

Volume 29, Number 9
Pages 703–776
May 3, 2004

SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

MATT T BLUNT

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

•

EDITORS

BARBARA McDOUGAL

JAMES McCLURE

•

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

TIFFANY M. DAVIS

PUBLISHING STAFF

WILBUR HIGHBARGER

HEATHER M. DOWNS

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

FROM THIS ANGLE707

PROPOSED RULES

Department of Agriculture	
State Milk Board	709
Department of Economic Development	
State Board of Chiropractic Examiners	711
State Board of Pharmacy	713
Public Service Commission	717
Department of Mental Health	
Director, Department of Mental Health	735
Department of Social Services	
Division of Medical Services	736

ORDERS OF RULEMAKING

Department of Conservation	
Conservation Commission	741
Department of Economic Development	
Missouri State Board of Accountancy	741
State Board of Chiropractic Examiners	745
Board of Therapeutic Massage	745
Missouri Board of Occupational Therapy	747
Public Service Commission	747

IN ADDITIONS

Department of Insurance	
Property and Casualty	754

CONTRACTOR DEBARMENT LIST755

DISSOLUTIONS756

SOURCE GUIDES

RULE CHANGES SINCE UPDATE	758
EMERGENCY RULES IN EFFECT	765
EXECUTIVE ORDERS	766
REGISTER INDEX	767

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
February 2, 2004 February 17, 2004	March 1, 2004 March 15, 2004	March 31, 2004 March 31, 2004	April 30, 2004 April 30, 2004
March 1, 2004 March 15, 2004	April 1, 2004 April 15, 2004	April 30, 2004 April 30, 2004	May 30, 2004 May 30, 2004
April 1, 2004 April 15, 2004	May 3, 2004 May 17, 2004	May 31, 2004 May 31, 2004	June 30, 2004 June 30, 2004
May 3, 2004 May 17, 2004	June 1, 2004 June 15, 2004	June 30, 2004 June 30, 2004	July 30, 2004 July 30, 2004
June 1, 2004 June 15, 2004	July 1, 2004 July 15, 2004	July 31, 2004 July 31, 2004	August 30, 2004 August 30, 2004
July 1, 2004 July 15, 2004	Aug. 2, 2004 Aug. 16, 2004	Aug. 31, 2004 Aug. 31, 2004	Sept. 30, 2004 Sept. 30, 2004
August 2, 2004 August 16, 2004	September 1, 2004 September 15, 2004	September 30, 2004 September 30, 2004	October 30, 2004 October 30, 2004
September 1, 2004 September 15, 2004	October 1, 2004 October 15, 2004	October 31, 2004 October 31, 2004	November 30, 2004 November 30, 2004
October 1, 2004 October 15, 2004	November 1, 2004 November 15, 2004	November 30, 2004 November 30, 2004	December 30, 2004 December 30, 2004
November 1, 2004 November 15, 2004	December 1, 2004 December 15, 2004	December 31, 2004 December 31, 2004	January 30, 2005 January 30, 2005

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Southern State University Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Southwest Missouri State University 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (636) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.



FROM THIS ANGLE...

There is a logical order . . . to rulemaking packets!

Frequently we receive rulemaking packets that are completely out of order insofar as the manner in which they are assembled. Subsequently, we must take extra time when filing your paperwork to properly compile the same, make copies where needed, request that you go back and obtain proper signatures, etc. We have very carefully tried to make this order as simple as possible (see *Rulemaking 1-2-3, Missouri Style*), however, we still seem to see problems with the assembled paperwork.

To highlight, packets should be assembled in the following order:

1. Rule Transmittal Sheet.
2. Cover letter, with proper signatures affixed for your agency—refer to your current delegation of authority. Without the proper signatures, we cannot accept your rule filings.
3. Affidavit.
4. Rule (type of rulemaking, i.e., proposed, amendment, rescission, etc.).
5. Fiscal note (private and public, if applicable).
6. Forms (“included herein”) – or web address reference.
7. A properly formatted diskette, in Microsoft Word, containing the proposed rulemaking.

Make one (1) copy of the entire packet for filing with the Joint Committee on Administrative Rules (JCAR). This should include an original cover letter addressed to JCAR as follows:

Mrs. Cindy Kadlec
Director, Joint Committee on Administrative Rules
Room B-8, State Capitol Building
Jefferson City, MO 65101

Make two (2) copies of the entire packet for filing with the Office of Secretary of State; and

Make as many copies of the packet as needed for your own records.

Each rule is submitted as a separate filing and must include all of the above information for each rule filed.

Surveys – Thanks – and Please Complete and Return!!

To those of you who have completed and returned the survey we recently sent – thank you! We appreciate your comments and your candor. We want you to be completely honest in your responses – this will only help us to serve you better.

To those of you who have not yet completed your survey, PLEASE take five (5) minutes and do so today. We value your opinion and appreciate your input. The survey is very short and easily completed and would be very helpful to us to receive the same back from your agency. Out of 161 surveys sent out – we have only received 61 back – so, ***we still need to hear from 100 of you!!*** (**HINT**: They are on blue paper and are only one (1) page!) We thank you in advance for your response.

Please call us or drop us an e-mail whenever we may assist you with Administrative Rule-related issues.

Sincerely,



Lynne C. Angle, Director
Administrative Rules Division

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 5, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The State Milk Board estimates that the following private entities will be affected by this proposed amendment in the given numbers: six (6) producer marketing agencies and five (5) additional Grade A dairy plants located in the state of Missouri (to be assessed five cents (5¢) per hundred weight on milk produced and/or handled) and five (5) producer marketing agencies and thirty-eight (38) individual Grade A dairy plants (to be assessed at four cents (4¢) per hundred weight on milk inspected from areas beyond the points of routine inspection). The State Milk Board further estimates the aggregate cost of the compliance with this proposed amendment by the enumerated entities to be \$1,380,574 for the period July 1, 2004 through June 30, 2005.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board office, Terry S. Long, Executive Secretary, 911-D Leslie Blvd., Jefferson City, MO 65101. Telephone (573) 751-3830. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 5—Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending section (1) on inspection fees.

PURPOSE: This rule is being amended by changing the time period for which the fees apply and publishing the fees established by the State Milk Board for that period. This amendment updates the reference to the time period for which milk inspection fees apply.

(1) The inspection fee for fiscal year [2004 (July 1, 2003–June 30, 2004)] **2005 (July 1, 2004–June 30, 2005)** shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Title 2 – DEPARTMENT OF AGRICULTURE
 Division: Division 80 – State Milk Board
 Chapter: Chapter 5 - Inspections
 Type of Rulemaking: PROPOSED AMENDMENT
 Rule Number and Name: 2 CSR 80-5.010 Inspection Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Producer Mktg. Agencies	5¢ c.w.t.*
5	Grade A Dairy Plants/Missouri	5¢ c.w.t.*
5	Producer Mktg. Agencies	4¢ c.w.t.*
38	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,380,574

III. WORKSHEET

PRIVATE ENTITY COSTS:

FY 2005

6	Producer Marketing Agencies and		
5	Grade A Dairy Plants of Missouri		5¢ c.w.t.*
5	Producer Marketing Agencies and		
38	Grade A Dairy Plants Outside Missouri		4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,380,574

* c.w.t. = per hundred weight (cost per pound)

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

All estimates shown are based upon milk inspection fees collected during FY '03. Varying conditions (drought, severe cold weather, market conditions, etc.) effect total pounds of milk marketed, thereby effecting cost to private entities.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED AMENDMENT

4 CSR 70-2.031 Meridian Therapy/Acupressure/Acupuncture.

The board is proposing to add subsection (3)(C) and reletter the remaining subsections accordingly.

PURPOSE: This amendment requires a licensee to pass a national examination in order to be certified by the board in meridian therapy/acupuncture/acupressure (MTAA).

(3) In order to ensure that the public health and safety are protected and to maintain high standards of trust and confidence in the chiropractic profession and ensure the proper conduct of the chiropractic practice involving the use of Meridian Therapy, the requirements contained in this rule must be met prior to one engaging in therapeutic procedures or announcing the availability of therapeutic procedures to the public.

(C) Effective March 1, 2005, an applicant for certification in Meridian Therapy shall pass the examination for acupuncture administered by the National Board of Chiropractic Examiners (N.B.C.E.) or an exam approved by the board.

[(C)] **(D)** In order to maintain a valid certificate in Meridian Therapy, a licensee who holds a certificate at the time of making his/her license renewal must certify to the board that s/he has completed annually a minimum of twelve (12) hours of postgraduate training, approved by the board, in Meridian Therapy.

[(D)] **(E)** If a licensee allows his/her certification to lapse, the certification may be reactivated up to three (3) years after it has lapsed upon the presentation to the board of twelve (12) hours of postgraduate study in Meridian Therapy, acupuncture or acupressure for each year the certification was inactive or a maximum of thirty-six (36) hours. The postgraduate study must be a course approved by the board.

[(E)] **(F)** If a licensee allows his/her certification to lapse for more than three (3) years the licensee shall comply with the requirements of subsection (3)(B) of this rule, providing the hours were not used to obtain the original certification.

AUTHORITY: sections [331.050, RSMo Supp. 1999] 331.010, 331.030.5 and 331.100.2, RSMo [1994] 2000. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed March 4, 1994, effective Aug. 8, 1994. Amended: Filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed April 1, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated nine thousand six hundred seventy-seven dollars and fifty cents (\$9,677.50) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiro@mail.state.mo.us. To be considered, comments must be

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division: 70 - Missouri State Board of Chiropractic Examiners****Chapter 2- General Rules****Proposed Rule - 4 CSR 70-2.031 Meridian Therapy/Acupressure/Acupuncture**

Prepared March 24, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
35	Licenses (\$275 NBCE MTTA examination fee)	\$9,625.00
35	Licenses (\$1.50 postage - per application)	\$52.50
	Estimated Annual Cost of Compliance for the Life of the Rule	\$9,677.50

III. WORKSHEET

1. Recently a national examination for chiropractors in the area of meridian therapy/acupressure/acupuncture (MTAA) was developed by the National Board of Chiropractic Examiners (NBCE). Certification for MTTA is a specialty area of practice and will not result in additional chiropractic examiners being licensed by the board. However, the board will recognize MTTA certification. In order for a licensee to be certified by the board in MTTA, the licensee is required to pass the national examination. Applicants for MTTA certification must submit the examination application and fee directly to NBCE in addition to submitting an certification application and fee to the
2. The above figures are based on actual requests the board received in 2002.

IV. ASSUMPTION

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.100 Continuing Pharmacy Education. The board is proposing to amend section (2), paragraph (2)(C)1., and section (9), add a new section (10) and renumber and amend section (11).

PURPOSE: This amendment allows the board to implement a random auditing process for continuing education.

(2) A continuing education program for pharmacists means post-graduate studies that have prior approval of the Missouri Board of Pharmacy to fulfill the requirements of continuing education for *[relicensure]* **renewal** in Missouri. This may include institutes, seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, professional meetings, self-study courses and any other methods which may be approved by the board, but in any case, the studies must be pharmacy-related.

(C) Continuing pharmacy education programs shall be approved by one (1) of the following methods:

1. All continuing pharmacy education programs offered by providers approved by the American Council on Pharmaceutical Education will be accepted as meeting the requirements of continuing education for *[relicensure]* **renewal** as a pharmacist in Missouri;

2. The Missouri Board of Pharmacy may approve continuing education programs offered by providers who are not approved by the American Council on Pharmaceutical Education. Criteria for approval of those programs shall be based on the criteria promulgated by the American Council on Pharmaceutical Education in its publication "Accreditation Standards and Guidelines" section on Approval of Providers of Pharmaceutical Education, Pages III-1 through III-C. Application to the board for this approval must be made at least thirty (30) days in advance of the program date to guarantee notification of certification status prior to the date of the program. Applications received less than thirty (30) days prior to the date of the program cannot be guaranteed to be certified prior to the date of the program. Application to the board for this approval shall be made on and in accordance with forms established by the board. The forms shall require detailed information relating to administration and organization, budget and resources, teaching staff, educational content and development, methods of delivery, facilities and evaluation. No applications for approval of continuing education programs will be accepted less than ten (10) business days from the date such program is offered for continuing education purposes. Applications returned due to errors or for purposes of requesting more information shall not be considered to be received by the office until the requested corrections or information are made and received by the board office. The executive director shall review applications for continuing education programs and may approve or deny such requests. Applicants shall be notified on a timely basis once the decision to approve or deny a program has been made. If an application was received by the board office sixty (60) days or more prior to the date it is scheduled to be offered and the program is denied, the applicant may request an appeal to further review the application by the continuing education committee. The request for appeal must be in writing. In no case shall an applicant be able to appeal a denial of an application if such application was initially received by the board office less than sixty (60) days prior to the date it is scheduled to be offered;

3. Any pharmacist whose primary responsibility is not the education of health professionals who leads, instructs or lectures to groups of nurses, physicians, pharmacists or others on pharmacy-related topics in organized continuing education or in-service pro-

grams shall be granted continuing education credit for the time expended during actual presentation upon adequate documentation to the Missouri Board of Pharmacy. Application for approval shall be made in accordance with procedures in section (2) of this rule. Credit for the same presentation or program will be allowed only once during a renewal period;

4. Any pharmacist whose responsibility is the education of health professionals shall be granted continuing education credit only for time expended in leading, instructing or lecturing to groups of physicians, pharmacists, nurses or others on board-approved pharmacy-related topics in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval will be requested using procedures in section (2) and submitted to the Missouri Board of Pharmacy. Credit for the same presentation or program will be allowed only once during a renewal period;

5. Credit will be given for undergraduate or graduate studies in any regionally accredited pharmacy, medical or dental educational institution of higher learning. Satisfactory proof of course completion, as required by the board, must be submitted with the renewal notice. The following hourly equivalents will be used by the board in assessing credits:

3 hours college credit = 15 contact hours
2 hours college credit = 10 contact hours
1 hour college credit = 5 contact hours

6. One and one-half (1.5) continuing education unit (CEU) will be the equivalent of fifteen (15) clock hours of participation in programs approved by the Missouri Board of Pharmacy; and

7. Continuing education hours earned in another state will be accepted by the Missouri Board of Pharmacy provided the hours are acquired within the same renewal period and are certified by the other state board of pharmacy.

(9) The proof of completion of continuing education requirements shall be submitted with the renewal notice and the appropriate fees by submitting */—/* **an affidavit that clearly attests to the fact that all continuing education requirements for the purpose of renewal of a pharmacist license have been met and that proof of completion of continuing education credits are maintained by the pharmacist in the form of one (1) or more of the following:**

(C) A letter from another state board of pharmacy stating the program, dates of attendance and number of contact hours that have been approved for *[relicensure]* **renewal** by that state board.

(10) Each such form of proof of completion of the required continuing education credits shall be retained by the licensee for the preceding two (2) reporting periods prior to renewal.

[[10]] (11) The Missouri Board of Pharmacy may elect to audit, with the appropriate accrediting body, any licensee to assess the authenticity and validity of contact hours submitted for relicensure. Failure to provide proof of completion of the necessary required continuing education credits shall be considered a violation and may result in disciplinary action pursuant to 338.055, RSMo initiate auditing of other past renewal periods and/or require proof of completion of future continuing education credits be submitted with any application for a renewal of a license.

AUTHORITY: sections 338.060 and 338.140, RSMo 2000. Original rule filed Nov. 9, 1984, effective April 11, 1985. Amended: Filed Nov. 21, 1997, effective June 30, 1998. Amended: Filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed June 28, 2002, effective Jan. 30, 2003. Amended: Filed April 1, 2004.

PUBLIC COST: This proposed amendment will save public entities an estimated one thousand eighty-three dollars and seventy-seven cents (\$1,083.77) biennially for the life of the rule. It is anticipated that the total savings will recur biennially for the life of the rule, may

vary with inflation and are expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will save private entities an estimated nine thousand three hundred one dollars and eighty cents (\$9,301.80) biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and are expected to decrease biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or e-mail at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 220 - State Board of Pharmacy
Chapter 2 - General Rules
Proposed Rule 4 CSR 220-2.100 Continuing Pharmacy Education
Prepared March 29, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Savings
State Board of Pharmacy	\$1,083.77
Total Biennial Savings for the Life of the Rule	
	\$1,083.77

III. WORKSHEET

As of March 18, 2004, there are 7,055 active licensed pharmacists. Ten percent of the 7,055 licensees (or 705) plus all disciplined pharmacists (approximately 65) will be randomly selected during the audit process and be required to submit proof of their continuing education credits.

The Clerk IV will be responsible for revising the renewal application to include an affidavit and appropriate form letters for use in this process. The MIS Computer Information Specialist will set up a database, which will randomly select licensees for auditing. The PR Licensing Tech II will print and mail approximately 770 audit notices to licensees being audited, print and mail letters for licensees that did not comply with the audit request, and then update PROMO and include the information in a board meeting agenda for review and decision by the board.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER RENEWAL PERIOD	COST PER RENEWAL PERIOD
Clerk IV	\$27,540.00	\$36,931.14	\$17.76	24 hours	\$426.13
Licensing Technician II	\$22,176.00	\$29,738.02	\$14.30	16 hours	\$228.75
Executive I	\$44,184.00	\$59,250.74	\$28.49	1 hour	\$28.49

Total Personal Service Costs \$683.37

Renewal applications are received and processed by the division's central processing unit. A temporary employee was hired during the last renewal period to review and verify CE documentation submitted, record whether the licensee was compliant or if there problems with the CEs submitted, and perform other duties associated with renewal processing. The board anticipates the temporary will again assist with the duties of verifying CE compliance and other duties associated with the renewal. Applications needing clarification are forwarded to the board for review by the Licensure Technician II. The board transferred approximately \$1,302.85 from their fund to the division to cover the cost of the temporary employee assigned to the processing of pharmacists' renewals. The board anticipates the amount transferred to the division will decrease based on the audit process, however, at this time are unable to estimate the decrease in the number of hours the temporary will spend processing audit results. Therefore, the transfer costs are not included in this fiscal note.

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letterhead Printing	\$0.15	770	\$115.50
Envelope for Mailing Letter Requesting	\$0.16	770	\$123.20
Postage	\$0.37	770	\$284.90

Total Expense and Equipment Costs \$400.40

IV. ASSUMPTION

1. Employees' salaries were calculated using their annual salary multiplied by 40.47% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications/renewals. The total cost was based on the cost per application/renewal multiplied by the estimated number applications or renewals.
2. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 4 -Department of Economic Development****Division 220 - State Board of Pharmacy****Chapter 2 - General Rules****Proposed Rule 4 CSR 220-2.100 Continuing Pharmacy Education**

Prepared March 29, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated savings with the rule by affected entities:
6,285	Licensees (postage - \$1.48)	\$9,301.80
	Estimated Biennial Savings for the Life of the Rule	\$9,301.80

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Although postage will vary depending on the number of credits for each continuing education (CE) certificate, the board estimates that licensees spend approximately \$1.48 in postage each biennial renewal period to mail proof of their continuing education (CE) with their renewal notice to the division.
2. Currently, all pharmacists are required to submit proof of 30 hours of CE units every two years with their renewal applications. With the proposed amendment, only 10% of licensed pharmacists, plus disciplined pharmacists, will be required to submit proof of 30 hours of continuing education, which will result in an overall savings in postage costs to the licensees.
3. As of March 18, 2004, the board estimates approximately 705 active licensed pharmacists and approximately 65 disciplined pharmacists will be required to submit proof of CE credits. Therefore, 6285 licensees are anticipated to see savings in the cost of mailing their renewal to the division.
4. The type of CEs required has not changed; therefore, no additional cost will occur with this proposed amendment.
5. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes. The Public Service Commission is amending section (1) incorporating references to proposed rules.

PURPOSE: This amendment updates regulation cross-references.

(1) The requirements for filings regarding utility company name changes are contained in Chapters 2 and 3 of the commission's rules in rules 4 CSR 240-2.060, 4 CSR 240-3.520, 4 CSR 240-3.525 and 4 CSR 240-3.545.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within thirty (30) days after the publication of this notice in the Missouri Register, and should include a reference to Commission Case No. TX-2003-0380. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange. The Public Service Commission is amending section (1) to codify current filing require-

ments that are not in the existing rule.

PURPOSE: This amendment incorporates current filing requirements for applications requesting that the commission grant a certificate for providing telecommunications services, whether interexchange, local exchange or basic local exchange services.

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:

(B) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and

(C) A proposed tariff with an effective date which is not fewer than forty-five (45) days after the tariff's issue date. Before service can be provided, a tariff and any applicable interconnection agreements must be filed with the commission and approved. However, filing the tariff and any applicable interconnection agreements simultaneously with the certificate application is optional.

(D) If the application is for basic local exchange service authority, the application shall also include the following:

1. A statement that the applicant possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

A. The application shall contain supportive financial information that includes twelve (12) months of historical financial statements comprised of a balance sheet and an income statement for any applicant that has been engaged in previous business operations and any company that will be providing financial support to the applicant. Entities with no prior business operations or any relationship with a company that will be providing financial support to the applicant will not be expected to provide any historical financial information.

B. Applicant shall submit on a pro forma basis, at least twelve (12) months of financial statements comprised of a balance sheet and an income statement.

C. Financial data shall reflect Missouri specific information to the extent such information is available. Company-wide financial information may be substituted in the event that Missouri specific information is not available.

D. Pro forma financial information must demonstrate the following:

(I) The applicant has a debt to total capital ratio no greater than sixty-two percent (62%) and a pretax interest coverage of at least 2.3x; and/or

(II) The applicant has a cash or cash equivalent balance of at least four (4) months operating expenses inclusive of interest expense and taxes.

(a) If the pro forma for the applicant demonstrates the requirement set forth in subparagraph D. above, only the pro forma for the applicant need be submitted. If the pro forma for the applicant does not demonstrate the requirement in subparagraph D., the applicant must submit a combined pro forma for the applicant and the company that will be providing support for the applicant, that meets the requirement in subparagraph D.

(b) If any of the items required under this rule have been submitted by applicant in a previous application within a year of this application, the same may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct;

2. A statement that the applicant will satisfy the minimum standards established by the commission;

3. A statement that sets forth the geographic area in which the applicant proposes to offer service and demonstrates that

such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange;

4. A statement that the applicant will offer basic local telecommunications service as a separate and distinct service; and

5. A statement that the applicant will give equitable access to all Missourians, regardless of where they live or their income, to affordable telecommunications services.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within thirty (30) days after the publication of this notice in the *Missouri Register*, and should include a reference to Commission Case No. TX-2003-0380. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets. The Public Service Commission is amending sections (1) and (2) to remove current exemptions.

PURPOSE: This amendment removes current exemptions for competitive companies and incorporates current customer notice requirements.

(1) Competitive telecommunications companies are exempt from subsections (2)(A)–(E)(C) and (E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service

will be provided].

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; *[and]*

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located./; and

(G) A copy of the customer notification to be provided to any customers who will receive service from a different telecommunications company, informing them of the transaction. Such notice shall inform customers of:

1. The name of the company that will be providing service after the sale, assignment, lease or transfer of assets is complete;

2. The name, address and contact information for the new telecommunications company;

3. The right to transfer their service to another provider as a result of the sale, assignment, lease or transfer of assets; and

4. Where to go to locate other carriers providing service in the area.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately six thousand five hundred dollars (\$6,500) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule and may vary with inflation. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within thirty (30) days after the publication of this notice in the *Missouri Register*, and should include a reference to Commission Case No. TX-2003-0380. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
Division: Missouri Public Service Commission
Chapter: Filing and Reporting Requirements
Type of Rulemaking: Revision
Rule Number and Name: 4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
0	Class A Local Telephone Companies	\$0
0	Class B Local Telephone Companies	\$0
1	Class C Local Telephone Companies	\$1,300
4	Class Interexchange Companies	\$5,200
	All entities	\$6,500

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies requesting authority from the Missouri Public Service Commission to sell, assign, lease or transfer assets.
2. The estimated number of entities affected by the proposed rule is annualized based on the number of companies requesting such authority over the past 3 fiscal years.
3. The aggregate impact of the cost to comply with the proposed rule change is based on an average \$1300 estimated increase in the costs to process the additional filing requirements associated with each transaction submitted pursuant to the proposed rule change.
4. The average estimated increase in costs was calculated based on information provided by industry representatives.
5. Industry representatives further indicated, proposed fiscal impact could be as much as \$500,000 per transaction in penalties for missing merger agreement conditions and because of delays in obtaining funding as a result in delays related to gathering and reviewing the documents to satisfy the additional filing requirements.

IV. ASSUMPTIONS

1. Fiscal year 2003 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

**4 CSR 240-3.525 Filing Requirements for Telecommunications
Company Applications for Authority to Merge or Consolidate.**

The Public Service Commission is amending section (1) to codify current filing requirements that are not in the existing rule.

PURPOSE: This amendment removes current exemptions for competitive companies and incorporates current customer notice requirements.

(1) Competitive telecommunications companies are exempt from subsections (2)(A)–(E)(B) and (C) of this rule; *however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided*.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; *and*

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.; *and*

(G) A copy of the customer notification to be provided to any customers who will receive service from a different telecommunications company, informing them of the transaction. Such notice shall inform customers of:

1. The name of the company that will be providing service after the merger or consolidation is complete;
2. The name, address and contact information for the new telecommunications company;
3. The right to transfer their service to another provider as a result of the merger or consolidation; and
4. Where to go to locate other carriers providing service in the area.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately ten thousand four hundred dollars (\$10,400) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule and may vary with inflation. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within thirty (30) days after the publication of this notice in the Missouri Register, and*

should include a reference to Commission Case No. TX-2003-0380. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at < <http://www.psc.mo.gov/efis.asp> >. A public hearing regarding this proposed amendment is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Missouri Department of Economic Development
 Division: Missouri Public Service Commission
 Chapter: Filing and Reporting Requirements
 Type of Rulemaking: Revision
 Rule Number and Name: 4 CSR 240-3.525 Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
0	Class A Local Telephone Companies	\$0
0	Class B Local Telephone Companies	\$0
2	Class C Local Telephone Companies	\$2,600
6	Class Interexchange Companies	\$,7,800
	All entities	\$10,400

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies requesting authority from the Missouri Public Service Commission to merge or consolidate.
2. The estimated number of entities affected by the proposed rule is annualized based on the number of companies requesting such authority in the past three fiscal years.
3. The aggregate impact of the cost to comply with the proposed rule change is based on an average \$1300 estimated increase in the costs to process the additional filing requirements associated with each transaction submitted pursuant to the proposed rule change.
4. The average estimated increase in costs was calculated based on information provided by industry representatives.
5. Additional industry feedback indicated the proposed fiscal impact could be as much as \$500,000 per transaction in penalties for missing merger agreement conditions and because of delays in obtaining funding as a result in delays related to gathering and reviewing the documents to satisfy the additional filing requirements.

IV. ASSUMPTIONS

1. Fiscal year 2003 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED AMENDMENT

4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness. The Public Service Commission is amending section (1) to remove current exemptions.

PURPOSE: This amendment removes current exemptions for competitive companies. This amendment also incorporates language in subsection (2)(G) that was inadvertently omitted in the March 2003 rule revisions.

(1) Competitive telecommunications companies are exempt from subsections (2)(C)–(G) **(D) through (G)** of this rule.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(G) A five (5)-year capitalization expenditure schedule as required by section 392.310 **or 393.200**, RSMo.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately thirteen hundred dollars (\$1,300) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule and may vary with inflation. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within (30) days after the publication of this notice in the **Missouri Register**, and should include a reference to Commission Case No. TX-2003-0389. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
Division: Missouri Public Service Commission
Chapter: Filing and Reporting Requirements
Type of Rulemaking: Revision
Rule Number and Name: 4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
0	Class A Local Telephone Companies	\$0
0	Class B Local Telephone Companies	\$0
0	Class C Local Telephone Companies	\$0
1	Class Interexchange Companies	\$1300
	All entities	\$1300

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies requesting authority from the Missouri Public Service Commission to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.
2. The estimated number of entities affected by the proposed rule is based on historic transactions whereby companies request such authority.
3. The aggregate impact of the cost to comply with the proposed rule change is based on an average \$1300 estimated increase in the costs to process the additional filing requirements associated with each transaction submitted pursuant to the proposed rule change.
4. The average estimated increase in costs was calculated based on information provided by industry representatives.

IV. ASSUMPTIONS

1. Fiscal year 2003 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED AMENDMENT

4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility. The Public Service Commission is adding a new section (1) to remove current exemptions and renumbering the remaining sections.

PURPOSE: This amendment removes current exemptions for competitive companies. This amendment also incorporates language in section (1) that was inadvertently omitted in the March 2003 rule revisions and renumbers the remainder of the rule accordingly.

(1) Competitive telecommunications companies are exempt from subsection (2)(B) of this rule.

[(1)](2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

[(2)](3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately thirteen hundred dollars (\$1,300) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule and may vary with inflation. A detailed fiscal note, which estimates the cost of compliance with this amendment, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within thirty (30) days after the publication of this notice in the Missouri Register, and should include a reference to Commission Case No. TX-2003-0389. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testi-*

mony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Missouri Department of Economic Development
 Division: Missouri Public Service Commission
 Chapter: Filing and Reporting Requirements
 Type of Rulemaking: Revision
 Rule Number and Name: 4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
0	Class A Local Telephone Companies	\$0
0	Class B Local Telephone Companies	\$0
0	Class C Local Telephone Companies	\$0
1	Class Interexchange Companies	\$1300
	All entities	\$1300

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies requesting authority from the Missouri Public Service Commission to Acquire the Stock of a Public Utility.
2. The estimated number of entities affected by the proposed rule is based on historic transactions whereby companies request such authority.
3. The aggregate impact of the cost to comply with the proposed rule change is based on an average \$1300 estimated increase in the costs to process the additional filing requirements associated with each transaction submitted pursuant to the proposed rule change.
4. The average estimated increase in costs was calculated based on information provided by industry representatives.

IV. ASSUMPTIONS

1. Fiscal year 2003 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED RULE

4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations

PURPOSE: This rule describes the procedure for certificated telecommunications companies ceasing operations in the state of Missouri or discontinuing service to any geographic service area of the state.

(1) All telecommunications companies ceasing operation in Missouri or discontinuing service to any geographic service area within the state shall provide to the commission:

- (A) A statement of reasons for ceasing or discontinuing service;
- (B) Date of planned service cessation or discontinuance;
- (C) Geographic areas affected by cessation or discontinuance of service;
- (D) A brief description of the service(s) to be ceased or discontinued;
- (E) A statement as to whether the company's tariff(s) and certificate shall remain in effect or be cancelled;
- (F) A statement that all affected customers have been notified at least thirty (30) days prior to the cessation or discontinuance; and
- (G) A statement that all affected customers have been informed as to how they can select a new service provider.

(2) If the information provided in section (1) above is submitted electronically, it will be submitted as a non-case related submission in the commission's Electronic Filing Information System (EFIS).

(3) If the information provided in section (1) above is submitted in paper format, it will be submitted to the manager of the Telecommunications Department.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed March 19, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within (30) days after the publication of this notice in the *Missouri Register*, and should include a reference to Commission Case No. TX-2003-0389. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed rule is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to

commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED RULE

4 CSR 240-3.565 Procedure for Telecommunications Companies that File Bankruptcy

PURPOSE: This rule describes the procedure for certificated telecommunications companies and their affiliates that file bankruptcy.

(1) Any telecommunications company certificated in Missouri that files bankruptcy or has an affiliate that files bankruptcy shall provide to the commission:

- (A) A notice that the company or an affiliate has filed bankruptcy;
- (B) The bankruptcy case number;
- (C) The bankruptcy filing date;
- (D) The bankruptcy chapter number; and
- (E) The bankruptcy court.

(2) If the bankruptcy court approves the transfer of customers to another telecommunications company, a copy of the bankruptcy order shall be provided to the commission with the application for service authority or application for approval to transfer assets.

(A) The application for service authority or application for approval to transfer assets shall contain a statement as to whether the existing company's tariff and certificate shall remain in effect or be cancelled.

(3) If the telecommunications company filing bankruptcy has telecommunications facilities that are located at the premises of another telecommunications company, the company filing bankruptcy shall provide to the commission:

- (A) A statement identifying the telecommunications facilities and their locations;
- (B) A statement identifying the entities with an interest in the telecommunications facilities;
- (C) A statement describing the disposition of the telecommunications facilities and the entity conducting the disposition of the facilities; and
- (D) A statement informing of the date when the telecommunications facilities will be properly disposed.

(4) If the information provided in sections (1)–(3) above is submitted electronically, it will be submitted as a non-case related submission in the commission's Electronic Filing Information System (EFIS).

(5) If the information provided in sections (1)–(3) above is submitted in paper format, it will be submitted to the manager of the Telecommunications Department.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed March 19, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or

political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within (30) days after the publication of this notice in the *Missouri Register*, and should include a reference to Commission Case No. TX-2003-0389. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed rule is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.015 Definitions. The commission is amending section (1).

PURPOSE: This amendment adds definitions for terms that are used in this chapter, specifically for "Applicant" and "Denial of Service."

(1) The following definitions shall apply to this chapter:

(A) Applicant means an individual(s) who has applied to receive residential service from the utility;

((A))/(B) Bill means a written demand for payment for service and the taxes and franchise fees related to it;

((B))/(C) Billing period means a normal usage period of not less than twenty-six (26) nor more than thirty-five (35) days for a monthly billed customer nor more than one hundred (100) days for a quarterly billed customer, except for initial, corrected or final bills;

((C))/(D) Complaint means an informal or formal complaint under 4 CSR 240-2.070;

((D))/(E) Customer means a person or legal entity responsible for payment for service except one denoted as a guarantor;

((E))/(F) Cycle billing means a system which results in the rendition of bills to various customers on different days of a month;

((F))/(G) Delinquent charge means a charge remaining unpaid by a monthly billed customer at least twenty-one (21) days and for at least sixteen (16) days by a quarterly billed customer from the rendition of the bill by the utility or a charge remaining unpaid after the preferred payment date selected by the customer;

((G))/(H) Delinquent date means the date stated on a bill, which shall be at least twenty-one (21) days for a monthly billed customer, and at least sixteen (16) days for a quarterly billed customer from the rendition of the bill or which shall be the preferred payment plan date selected by the customer, after which the utility may assess an approved late payment charge in accordance with a utility tariff on file with the commission;

(I) Denial of service means the utility's refusal to commence service upon an applicant's request for service at a particular location;

((H))/(J) Deposit means a money advance to a utility for the purpose of securing payment of delinquent charges which might accrue to the customer who made the advance;

((I))/(K) Discontinuance of service or discontinuance means a cessation of service not requested by a customer;

((J))/(L) Due date means the date stated on a bill when the charge is considered due and payable;

((K))/(M) Estimated bill means a charge for utility service which is not based on an actual reading of the meter or other registering device by an authorized utility representative;

((L))/(N) Extension agreement means a verbal agreement between the utility and the customer extending payment for fifteen (15) days or less;

((M))/(O) Guarantee means a written promise from a third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular customer;

((N))/(P) In dispute means any matter regarding a charge or service which is the subject of an unresolved inquiry;

((O))/(Q) Late payment charge means an assessment on a delinquent charge in accordance with a utility tariff on file with the commission and in addition to the delinquent charge;

((P))/(R) Preferred payment date plan means a commission-approved plan offered at the utility's option in which the delinquent date for the charges stated on a bill shall occur on the same day during each billing period as selected by the customer;

((Q))/(S) Purchased gas adjustment clause means the adjustment procedure approved by the commission to recognize variations in the cost of purchased gas;

((R))/(T) Rendition of a bill means the mailing or hand delivery of a bill by a utility to a customer;

((S))/(U) Residential service or service means the provision of or use of a utility service for domestic purposes;

((T))/(V) Seasonally billed customer means a residential customer billed on a seasonal basis in accordance with a utility tariff on file with the commission;

((U))/(W) Settlement agreement means an agreement between a customer and a utility which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period;

((V))/(X) Tariff means a schedule of rates, services and rules approved by the commission;

((W))/(Y) Termination of service or termination means a cessation of service requested by a customer;

((X))/(Z) Utility means an electric, gas or water corporation as those terms are defined in section 386.020, RSMo; and

((Y))/(AA) Utility charges means the rates for utility service and other charges authorized by the commission as an integral part of utility service.

AUTHORITY: sections 386.250(6), [RSMo Supp. 1991] and 393.140(1), RSMo [1986] 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed March 24, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices within thirty (30) days after publication of this notice in the *Missouri Register*, and should include a reference to Commission Case No. AX-2004-0308 or to the Definitions Section of Chapter 13. If comments are submitted by paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. Comments may also be submitted at the public hearing. The commission will hold a public hearing at which the commission will take sworn testimony concerning the reasonableness of this amendment. The hearing is scheduled for June 7, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to provide testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Relay Missouri at 7-1-1.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for
Telecommunications Companies**

PROPOSED RULE

4 CSR 240-33.160 Customer Proprietary Network Information

PURPOSE: This rule establishes the procedures by which telecommunications companies may use, disclose, or permit access to customer proprietary network information.

(1) Definitions. For the purposes of 4 CSR 240-33.160, the following definitions are applicable:

(A) Affiliate is any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision, which directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated telecommunications company;

(B) Agent is a person or entity who is authorized to act on behalf of a telecommunications company or its affiliates;

(C) Categories of service include basic local exchange telecommunications service, telecommunications service, exchange access services, information services typically provided by telecommunications companies, operator services, and directory assistance services;

(D) CMRS is a provider of commercial mobile radio service;

(E) Communications-related services are telecommunications services, information services typically provided by telecommunications companies, and services related to the provision or maintenance of customer premises equipment;

(F) Control (including the terms "controlling," "controlled by,"

and "common control") is the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for purposes of this rule;

(G) Customer is a person or entity to which the telecommunications company is currently providing service or any person or entity with which the telecommunications company has had a prior service relationship;

(H) Customer proprietary network information (CPNI) is information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications company, and that is made available to the telecommunications company by the customer solely by virtue of the customer-telecommunications company relationship. Customer proprietary network information also is information contained in bills pertaining to basic local exchange telecommunications service or interexchange telecommunications service received by a customer of a telecommunications company. Customer proprietary network information does not include subscriber list information;

(I) Customer premises equipment (CPE) is equipment employed on the premises of a customer to originate, route, or terminate telecommunications;

(J) Independent contractor is a separate person, firm, or entity providing a telecommunications-related or unrelated service under a contractual relationship to or for the telecommunications company or some other firm or entity capable of gathering and/or utilizing CPNI;

(K) Information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service;

(L) Information services typically provided by telecommunications companies are only those information services as defined in subsection (1)(K) that are typically provided by telecommunications companies, such as Internet access or voice mail services. Information services typically provided by telecommunications companies as used in this rule shall not include retail consumer services provided using Internet websites (such as travel reservation services or mortgage lending services), whether or not such services may otherwise be considered to be information services;

(M) Joint venture partner is a third party company that has a financial or other interest in a specific project in which a telecommunications company has an interest;

(N) Local exchange telecommunications company (LEC) is any company engaged in the provision of basic local exchange telecommunications services;

(O) Opt-in approval is a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that the telecommunications company obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the telecommunications company's request consistent with the requirements set forth in this rule;

(P) Opt-out approval is a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this

approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within a thirty (30)-day minimum period of time after the customer is provided appropriate notification of the telecommunications company's request for consent consistent with these rules. A telecommunications company may, in its discretion, provide for a longer period. Telecommunications companies must notify customers as to the applicable waiting period for a response before approval is assumed;

(Q) Party is a participant in, or an agent or designee acting on behalf of and for the benefit of a participant to a transaction in which an end-user's CPNI is sold, transferred, shared or otherwise disseminated;

(R) Public safety answering point (PSAP) is a communications location used by public safety agencies for answering emergency telephone service calls which originate in a given area. A PSAP may be designated as primary or secondary, which refers to the order in which calls are directed for answering. PSAPs may be located at police, fire or emergency medical service communications centers, or may be located in a specialized centralized communications center which handles all emergency communications for an area;

(S) Subscriber list information (SLI) is any information identifying the listed names of subscribers of a telecommunications company and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and that the telecommunications company or an affiliate has published, caused to be published, or accepted for publication in any directory format;

(T) Telecommunications company is used as defined in section 386.020, RSMo 2000;

(U) Telecommunications service is used as defined in section 386.020, RSMo 2000;

(V) Third party is a company not owned or controlled by or owning or controlling a telecommunications company. The third party usually operates outside the market in which a telecommunications company operates and does not provide communications-related services.

(2) Use of CPNI Without Customer Approval.

(A) Any telecommunications company may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from the same telecommunications company, without customer approval.

1. If a telecommunications company provides different categories of service, and a customer subscribes to more than one (1) category of service offered by the telecommunications company, the telecommunications company is permitted to share CPNI among the telecommunications company's affiliates that provide a service offering to the customer.

2. If a telecommunications company provides different categories of service, but a customer does not subscribe to more than one offering by the telecommunications company, the telecommunications company is not permitted to share CPNI with the telecommunications company's affiliates, except as provided in section (3).

(B) A telecommunications company may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe from that telecommunications company, unless the telecommunications company has customer approval to do so, except as described in subsection (2)(C).

1. A telecommunications company may use, disclose or permit access to CPNI derived from its provision of basic local exchange telecommunications service or interexchange service, without cus-

tomers approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversions.

2. A telecommunications company may not use, disclose or permit access to CPNI to identify or track customers that call competing telecommunications service providers. For example, a local exchange telecommunications company may not use basic local telecommunications exchange service CPNI to track all customers that call basic local exchange telecommunications service competitors.

(C) Approval not required for use of customer proprietary network information.

1. A telecommunications company may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

2. A telecommunications company may use CPNI, without customer approval, to market services such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

3. A telecommunications company may use, disclose, or permit access to CPNI to protect the rights or property of the telecommunications company, or to protect users of those services and other telecommunications companies from fraudulent, abusive, or unlawful use of, or subscription to, such services.

4. A telecommunications company may use, disclose, or permit access to CPNI to public safety answering points (PSAPs) if the PSAP claims it needs the information to respond to an emergency. Information to be released is limited to that CPNI information as defined in 4 CSR 240-33.160(1)(H).

(3) Approval Required for Use of CPNI.

(A) Use of Opt-Out and Opt-In Approval Process.

1. A telecommunications company may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. A telecommunications company may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. A telecommunications company may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to agents, affiliates, joint venture partners and independent contractors shall be subject to the safeguards set forth in paragraph (3)(A)2. below.

2. Agent/affiliate/joint venture/contractor safeguards. A telecommunications company that discloses or provides access to CPNI to its agents, affiliates, joint venture partners or independent contractors shall enter into confidentiality agreements with those agents, affiliates, joint venture partners or independent contractors that comply with the following requirements. The confidentiality agreement shall:

A. Require that those agents, affiliates, joint venture partners or independent contractors use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;

B. Disallow the agents, affiliates, joint venture partners or independent contractors from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and

C. Require that the agents, affiliates, joint venture partners and independent contractors have appropriate protections in place to ensure the ongoing confidentiality of customers' CPNI.

(B) Except for use and disclosure of CPNI that is permitted

without customer approval under section (2) of this rule, or that is described in subsection (2)(B), or as otherwise provided in section 222 of the Communications Act of 1934, as amended, a telecommunications company may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

(C) A telecommunications company may obtain approval through written, oral or electronic methods.

1. A telecommunications company relying on oral approval must bear the burden of demonstrating that such approval has been given in compliance with the commission's rule.

2. Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a telecommunications company must remain in effect until the customer revokes or limits such approval or disapproval.

3. A telecommunications company must maintain records of approval, whether oral, written or electronic, for at least one (1) year.

(4) Customer Notification Requirements.

(A) Prior to any solicitation for customer approval, a telecommunications company must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

1. A telecommunications company must maintain records of notification, whether oral, written or electronic, for at least one (1) year.

(B) Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

(C) Content of Notice. Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier use, disclose, or permit access to, the customer's CPNI.

1. The notification must state that the customer has a right, and the telecommunications company a duty, under federal and state law, to protect the confidentiality of CPNI.

2. The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

3. The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, companies may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

4. The notification shall be comprehensible and shall not be misleading.

5. If written notification is provided, the notice must be clearly legible, use at least a 12-point font, and be placed in an area so as to be readily apparent to a customer.

6. If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

7. A telecommunications company may state in the notification that the customer's approval to use CPNI may enhance the telecommunications company's ability to offer products and services tailored to the customer's needs. Such statement shall not be in a font size larger than the notification requirements.

8. A telecommunications company also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

9. A telecommunications company may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

10. The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that telecommunications company is valid until the customer affirmatively revokes or limits such approval or denial.

11. A telecommunications company's solicitation for approval must include a notification of a customer's CPNI rights. The CPNI rights must be in close proximity to the solicitation.

(D) Notice Requirements Specific to Opt-Out. A telecommunications company must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in subsection (4)(F)). The contents of any such notification must comply with the requirements of subsection (4)(C).

1. Telecommunications companies must wait a thirty (30)-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. A telecommunications company may, in its discretion, provide for a longer period. Telecommunications companies must notify customers as to the applicable waiting period for a response before approval is assumed.

A. In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

B. In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

2. Telecommunications companies using the opt-out mechanism must provide notices to their customers every two (2) years.

3. Telecommunications companies that use e-mail to provide opt-out notices must comply with the following requirements in addition to the requirements generally applicable to notification:

A. Telecommunications companies must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;

B. Telecommunications companies must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

C. Opt-out e-mail notices that are returned to the telecommunications company as undeliverable must be sent to the customer in another form before companies may consider the customer to have received notice;

D. Telecommunications companies that use e-mail to send CPNI notices must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

E. Telecommunications companies must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available twenty-four (24) hours a day, seven (7) days a week. Telecommunications companies may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no charge to the customer and are able to effectuate that choice whenever they choose.

(E) Notice Requirements Specific to Opt-In. A telecommunications company may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of subsection (4)(C).

(F) Notice Requirements Specific to One (1)-Time Use of CPNI.

1. Companies may use oral notice to obtain limited, one (1)-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether telecommunications companies use opt-out or opt-in approval based on the nature of the contact.

2. The contents of any such notification must comply with the requirements of subsection (4)(C), except that telecommunications companies may omit any of the following notice provisions if not relevant to the limited use for which the telecommunications company

seeks CPNI:

A. Telecommunications companies need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

B. Telecommunications companies need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

C. Telecommunications companies need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as telecommunications companies explain to customers that the scope of the approval the telecommunications company seeks is limited to one (1)-time use; and

D. Telecommunications companies may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the telecommunications company clearly communicates that the customer can deny access to his CPNI for the call.

(5) Release of Customer Proprietary Network Information Resulting from Bankruptcy, Cessation of Operation, Merger or Transfer of Assets.

(A) The exiting carrier shall provide customers with advance notice of the transfer of CPNI data.

(B) Customer notification shall comply with section (4) of this rule.

(C) Any opt-in/opt-out authorizations the customers previously executed with the exiting carrier shall be transferred to the new carrier automatically, thereby ensuring that customers maintain their privacy interests by protecting this information from disclosure and dissemination.

(6) Safeguards Required for Use of Customer Proprietary Network Information.

(A) Telecommunications companies must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

(B) Telecommunications companies must train their personnel as to when they are and are not authorized to use CPNI, and companies must have an express disciplinary process in place.

(C) All telecommunications companies shall maintain a record, electronically or in some other manner, of their own, their agents', their affiliates', their joint venture partners', or their independent contractors' sales and marketing campaigns that use their customers' CPNI. All companies shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Telecommunications companies shall retain the record for a minimum of one (1) year.

(D) A telecommunications company must establish a supervisory review process regarding telecommunications company compliance with the rules for outbound marketing situations and maintain records of telecommunications company compliance for a minimum period of one (1) year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

(E) Telecommunications companies must provide written notice within five (5) business days to the commission of any instance where the opt-out mechanisms do not work properly, to such a degree that customers' inability to opt-out is more than an anomaly.

1. The notice shall be in the form of a letter, and shall include the telecommunications company's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, a copy of the notice pro-

vided to customers, and contact information.

2. Such notice must be submitted even if the telecommunications company offers other methods by which customers may opt-out.

AUTHORITY: sections 386.040, 386.250, 392.470 and 392.185(9), RSMo 2000. Original rule filed March 30, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2003-0445. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's Electronic Filing and Information System at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled for June 8, 2004 at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at the hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

PROPOSED AMENDMENT

9 CSR 10-5.190 Background Screening for Employees and Volunteers. The department proposes to amend subsection (1)(B).

PURPOSE: This amendment will correct a typographical error in numbering.

(1) For the purposes of this rule, residential facilities, day programs and specialized services are divided into two (2) categories, as follows:

(B) Category II. Those that, in addition to a license or certificate from DMH, have a license or certification from another state agency. Specifically, this category includes facilities licensed by the Children's Division or the Department of Health and Senior Services; also included are intermediate care facilities/mental retardation (ICF/MR). Facilities and agencies included in Category II are subject to rules regarding criminal record review as promulgated by the state agency which licenses or certifies them and are not subject to sections (2) through [(7)] (6) of this rule. However such agencies are subject to sections (7), (8), (9), and (10) [and (11)].

AUTHORITY: sections 630.170 and 660.317, RSMo Supp. 2003 and 630.655 and 630.710, RSMo 2000. Emergency rule filed Aug. 15, 1997, effective Aug. 28, 1997, expired Feb. 26, 1998. Original rule filed Aug. 15, 1997, effective March 30, 1998. Amended: Filed Oct.

29, 1998, effective May 30, 1999. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Amended: Filed March 29, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Richard H. Overmann, Regulatory Process Coordinator, Office of Quality Management, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services. The director is amending subsection (10)(E), adding a new paragraph 4.; also amending paragraph (13)(B)10., adding subparagraph H. and parts (I), (II) and (III).

PURPOSE: This amendment provides for a waiver of the cost report filing requirement for a change in provider status and for an exception for nursing facilities placed in receivership who are receiving the high volume adjustment.

(10) Provider Reporting and Record Keeping Requirements.

(E) Change in Provider Status.

1. If a provider notifies, in writing, the director of the Institutional Reimbursement Unit of the division prior to the change of control, ownership or termination of participation in the Medicaid [P]program, the division will withhold all remaining payments from the selling provider until the cost report is filed. The fully completed cost report with all required attachments and documentation is due the first day of the sixth month after the date of change of control, ownership or termination. Upon receipt of a cost report prepared in accordance with this regulation, any payment that was withheld will be released to the selling provider.

2. If the director of the Institutional Reimbursement Unit does not receive, in writing, notification of a change of control or ownership and a cost report ending with the date of the change of control or ownership, upon learning of a change of control or ownership, thirty thousand dollars (\$30,000) of the next available full month Medicaid payment, after learning of the change of control or ownership will be withheld from the provider identified in the current Medicaid participation agreement until a cost report is filed. If the Medicaid payment is less than thirty thousand dollars (\$30,000), the entire payment will be withheld. Once the cost report, prepared in accordance with this regulation, is received the payment will be released to the provider identified in the current Medicaid participation agreement.

3. The Division of Medical Services may, at its discretion, delay the withholding of funds specified in paragraphs (10)(E)1. and 2. until the cost report is due based on assurances satisfactory to the division that the cost report will be timely filed. A request jointly submitted by the buying and selling provider may provide adequate assurances. The buying provider must accept responsibility for

ensuring timely filing of the cost report and authorize the division to immediately withhold thirty thousand dollars (\$30,000) if the cost report is not timely filed.

4. Waiver of cost report filing requirement for a change in provider status. Beginning in SFY 04, the division may waive the cost report filing requirement for the cost report resulting from a change of control, ownership or termination of participation in the Medicaid program if the selling/terminating operator can show financial hardship in providing the cost report. The selling/terminating operator must submit a written request to the division, indicating and providing documentation for the financial hardship caused by filing the cost report. Upon review of the selling/terminating operator's request, the division shall provide a written response, indicating its decision as to whether a waiver shall be granted.

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section.

(B) Special Per Diem Rate Adjustments. Special per diem rate adjustments may be added to a qualifying facility's rate without regard to the cost component ceiling if specifically provided as described below.

1. Patient care incentive. Each facility with a prospective rate on or after January 1, 1995, shall receive a per diem adjustment equal to ten percent (10%) of the facility's allowable patient care per diem subject to a maximum of one hundred thirty percent (130%) of the patient care median when added to the patient care per diem as determined in subsection (11)(A). This adjustment will not be subject to the cost component ceiling of one hundred twenty percent (120%) for the patient care median.

2. Ancillary incentive. Each facility with a prospective rate on or after January 1, 1995, and which meets one (1) of the following criteria shall receive a per diem adjustment:

A. If the facility's allowable ancillary per diem as determined in subsection (11)(B) is below ninety percent (90%) of the ancillary median, the adjustment is equal to one-half (1/2) of the difference between one hundred twenty percent (120%) and ninety percent (90%) of the ancillary median. The following is an illustration of how the ancillary per diem adjustment is calculated:

120% of median	\$6.62
90% of median	\$4.97
Difference	\$1.65
1/2 the difference	<u>2</u>
Per diem adjustment	\$.83

B. If the facility's allowable ancillary per diem as determined in subsection (11)(B) is between ninety percent (90%) and one hundred twenty percent (120%) of the median, the adjustment is equal to one-half (1/2) of the difference between one hundred twenty percent (120%) of the median and the facility's allowable ancillary per diem. The following is an illustration of how the ancillary per diem adjustment is calculated:

90% of median	\$4.97
120% of median	\$6.62
Ancillary per diem	\$5.21
Difference	\$1.41
1/2 the difference	<u>2</u>
Per diem adjustment	\$.71

3. Multiple component incentive. Each facility with a prospective rate on or after January 1, 1995, and meets the following criteria shall receive a per diem adjustment:

A. If the sum of the facility's patient care per diem and ancillary per diem, as determined in subsections (11)(A) and (B), is greater than or equal to sixty percent (60%) but less than or equal to eighty percent (80%), rounded to four (4) decimal places (.5985 or .8015 would not receive the adjustment), of the facility's total per diem, the adjustment is as follows:

Percent of Total Per Diem

Rate	Incentive
< 60%	\$0.00
> or = 60% but < 65%	\$1.15
> or = 65% but < 70%	\$1.30
> or = 70% but < 75%	\$1.45
> or = 75% but < or 80% =	\$1.60

B. A facility shall receive an additional incentive if it receives the adjustment in subparagraph (13)(B)3.A. and the following calculation is greater than seventy-five percent (75%), rounded to four (4) decimal places (.7485 would not receive the adjustment): Medicaid days divided by the licensed nursing facility patient days from the facility's desk audited and/or field audited 1992 cost report. The adjustment is as follows:

Calculated Percentage	Incentive
< 75%	\$0.00
> or = 75% but < 80%	\$0.15
> or = 80% but < 85%	\$0.30
> or = 85% but < 90%	\$0.45
> or = 90% but < 95%	\$0.60
> or = 95%	\$0.75

4. 1967 *Life Safety Code* (LSC). Currently certified nursing facilities that must comply with a recent interpretation of paragraph 10-133 of the 1967 LSC which requires corridor walls to extend to the roof deck or achieve equivalency under the Fire Safety Evaluation System (FSES) will be reimbursed the reasonable and necessary cost to meet those standards required for compliance through their reimbursement rate. The reimbursement shall not be effective until the Division of Aging has confirmed that the corrective action to comply with the 1967 LSC or FSES is operational and has reviewed the cost for compliance. Fire sprinkler systems shall be reimbursed over a depreciation life of twenty-five (25) years, and other alternative corrective action will be reimbursed over a depreciable life of fifteen (15) years. The division will use a desk audited and/or field audited cost report with the latest period ending in calendar year 1992 which is on file with the division as of December 31, 1993. This adjustment will be computed based on the documented cost submitted to the division as follows:

A. Depreciation. The cost incurred for the approved corrective action to continue in compliance divided by the depreciable useful life;

B. Interest. The interest cost incurred to finance this project shall be documented by a statement from the lending institution detailing the total interest cost of the loan period. The total interest cost will be divided by the loan period on a straight line basis; and

C. The total of subparagraph (13)(B)4.A. and B. will be divided by twelve (12) and then multiplied by the number of months covered by the 1992 cost report. This amount will be divided by the greater of actual patient days from the 1992 cost report or eighty-five percent (85%) of the licensed bed days from the 1992 cost report.

5. Any facility that had a 1967 LSC adjustment included in their December 31, 1994 reimbursement rate shall have that adjustment added to their January 1, 1995 reimbursement rate.

6. Replacement beds. A facility with a prospective rate in effect on or after January 1, 1995, may request a rate adjustment for replacement beds that resulted in the same number of beds being delicensed with the Division of Aging or the Department of Health. The facility shall provide documentation from the Division of Aging or the Department of Health that verifies the number of beds used for replacement have been delicensed from that facility. The rate adjustment will be calculated as the difference between the capital component per diem (fair rental value (FRV)) prior to the replacement beds being placed in service and the capital component per diem (FRV) including the replacement beds placed in service as calculated in subsection (11)(D) including the replacement beds placed in service. The capital component is calculated for the replacement beds using the asset value per licensed bed as determined using the R. S. Means Construction Index for nursing facility beds adjusted for the Missouri indexes for the date the replacement beds are placed in service.

7. Additional beds. A facility with a prospective rate in effect on or after January 1, 1995, may request a rate adjustment for additional beds. The facility must obtain an approved certificate of need or applicable waiver for the additional beds. The rate adjustment will be calculated as the difference between the capital component per diem (FRV) prior to the additional beds being placed in service and the capital component per diem (FRV) including the additional beds as calculated in subsection (11)(D) including the additional beds placed in service. The capital component is calculated for the additional beds using the asset value per licensed bed as determined using the R. S. Means Construction Index for nursing facility beds adjusted for the Missouri indexes for the date the additional beds are placed in service.

8. Extraordinary circumstances. A participating facility which has a prospective rate may request an adjustment to its prospective rate due to extraordinary circumstances. This request must be submitted in writing to the division within one (1) year of the occurrence of the extraordinary circumstance. The request must clearly and specifically identify the conditions for which the rate adjustment is sought. The dollar amount of the requested rate adjustment must be supported by complete, accurate and documented records satisfactory to the division. If the division makes a written request for additional information and the facility does not comply within ninety (90) days of the request for additional information, the division shall consider the request withdrawn. Requests for rate adjustments that have been withdrawn by the facility or are considered withdrawn because of failure to supply requested information may be resubmitted once for the requested rate adjustment. In the case of a rate adjustment request that has been withdrawn and then resubmitted, the effective date shall be the first day of the month in which the resubmitted request was made providing that it was made prior to the tenth day of the month. If the resubmitted request is not filed by the tenth day of the month, rate adjustments shall be effective the first day of the following month. Conditions for an extraordinary circumstance are as follows:

A. When the provider can show that it incurred higher costs due to circumstances beyond its control, the circumstances were not experienced by the nursing home industry in general and the costs have a substantial cost effect;

B. Extraordinary circumstances include:

(I) Natural disasters such as fire, earthquakes and flood that are not covered by insurance and that occur in a federally declared disaster area; and

(II) Vandalism and/or civil disorder that are not covered by insurance; and

C. The rate increase shall be calculated as follows:

(I) The one (1)-time costs, (costs that will not be incurred in future fiscal years):

(a) To determine what portion of the incurred costs will be paid, the division will use the patient occupancy days from latest available quarterly occupancy survey from the Division of Aging for the time period preceding when the extraordinary circumstances occurred; and

(b) The costs directly associated with the extraordinary circumstances will be multiplied by the above percent. This amount will be divided by the paid days for the month the rate adjustment becomes effective per paragraph (13)(B)8. This calculation will equal the amount to be added to the prospective rate for only one (1) month, which will be the month the rate adjustment becomes effective. For this one (1) month only, the ceiling will be waived.

(II) For ongoing costs (costs that will be incurred in future fiscal years): Ongoing annual costs will be divided by the greater of: annualized (calculated for a twelve (12)-month period) total patient days from the latest cost report on file or eighty-five percent (85%) of annualized total bed days. This calculation will equal the amount to be added to the respective cost center, not to exceed the cost component ceiling. The rate adjustment, subject to ceiling limits will be added to the prospective rate.

(III) For capitalized costs, a capital component per diem (FRV) will be calculated as determined in subsection (11)(D). The rate adjustment will be calculated as the difference between the capital component per diem (FRV) prior to the extraordinary circumstances and the capital component per diem (FRV) including the extraordinary circumstances.

9. Quality Assurance Incentive.

A. Each nursing facility with an interim or prospective rate on or after July 1, 2000, shall receive a per diem adjustment of three dollars and twenty cents (\$3.20). The Quality Assurance Incentive adjustment will be added to the facility's current rate.

B. The Quality Assurance Incentive per diem increase shall be used to increase the expenditures to a nursing facility's direct patient care costs. Direct patient care costs include all expenses in the patient care cost component (i.e., lines 46 through 69 of Schedule B in the Title XIX Cost Report). Any increases in wages and benefits already codified in a collective bargaining agreement in effect as of July 1, 2000, will not be counted towards the expenditure requirements of the Quality Assurance Incentive as stated above. Nursing facilities with collective bargaining agreements shall provide such agreements to the division.

10. High volume adjustment. Effective for dates of service July 1, 2000, a high volume adjustment shall be granted to qualifying providers. A provider must qualify each July 1, the beginning of each state fiscal year (SFY), for the high volume adjustment and the adjustment will be effective for services rendered during the SFY, July 1 through June 30. For a provider who has a high volume adjustment on June 30, but does not qualify for the high volume adjustment on July 1 of the subsequent SFY, that provider's prospective rate will be reduced by the amount of the high volume adjustment included in the facility's prospective rate in effect June 30.

A. Each facility with a prospective rate on or after July 1, 2000, and which meets all of the following criteria shall receive a per diem adjustment:

(I) Have on file at the division a full twelve (12)-month cost report ending in the third calendar year prior to the state fiscal year in which the adjustment is being determined (i.e., for SFY 2001, the third prior year would be 1998, for SFY 2002, the third prior year would be 1999, etc.);

(II) The Medicaid patient days as determined from the cost report identified in part (13)(B)10.A.(I) exceeds eighty-five percent (85%) of the total patient days for all nursing facility licensed beds;

(III) The allowable cost per patient day as determined by the division from the applicable cost report for the patient care, ancillary and administration cost components, as set forth in paragraphs (11)(A)1., (11)(B)1. and (11)(C)1., exceeds the per diem

ceiling for each cost component in effect at the end of the cost report period; and

(IV) State owned or operated facilities shall not be eligible for this adjustment.

B. The adjustment will be equal to ten percent (10%) of the sum of the per diem ceilings for the patient care, ancillary and administration cost components in effect on July 1 of each year. Effective July 1, 2002, the adjustment shall not accumulate from year to year.

C. The division may reconstruct and redefine the qualifying criteria and payment methodology for the high volume adjustment.

D. Second tier high volume adjustment. Effective for dates of service July 1, 2002, a second tier high volume adjustment shall be granted to qualifying providers.

(I) If a nursing facility qualifies for the first tier high volume adjustment, as set forth above in subparagraph (13)(B)10.A., it may qualify for the second tier adjustment if it meets the following criteria:

(a) The Medicaid patient days as determined from the cost report identified in part (13)(B)10.A.(I) exceeds ninety-three percent (93%) of the total patient days for all nursing facility licensed beds;

(b) The allowable cost per patient day as determined by the division from the applicable cost report for the patient care cost component, as set forth in paragraph (11)(A)1., exceeds one hundred twenty percent (120%) of the per diem ceiling for the patient care cost component in effect at the end of the cost report period; and

(c) The allowable cost per patient day as determined by the division from the applicable cost report for the administration cost component, as set forth in paragraph (11)(C)1., is less than one hundred fifty percent (150%) of the per diem ceiling for the administration cost component in effect at the end of the cost report period.

(II) The second tier high volume adjustment will be calculated as a percentage, to be determined by the Department of Social Services, of the sum of the per diem ceilings for the patient care, ancillary and administration cost components in effect on July 1 of each year.

(a) The adjustment for State Fiscal Year 2003 shall be eighteen dollars and fifty-six cents (\$18.56) per Medicaid day.

(b) The adjustment for SFY 2004 shall be nineteen dollars and seventy-one cents (\$19.71) per Medicaid day.

(III) The adjustment shall be distributed based on a quarterly amount, in addition to per diem payments, based on Medicaid days determined from the paid day report from Missouri's fiscal agent for pay cycles during the immediately preceding state fiscal year.

(IV) The state share of the second tier high volume adjustment shall come from certified public funds. If the aggregate certified public funds are less than the state match required, the total aggregate second tier high volume adjustment will be adjusted downward accordingly.

(V) A nursing facility must qualify for the adjustment each year to receive the additional quarterly payments.

E. High volume adjustment for nursing facilities without a full twelve (12)-month cost report. Effective for dates of service on or after January 17, 2003, the full twelve (12)-month cost report requirement set forth in (13)(B)10.A.(I) shall include nursing facilities that have on file at the division two (2) partial year cost reports that when combined cover a full twelve (12)-month period.

F. Medicaid hospice days to be included in determination of Medicaid occupancy. Effective for dates of service on or after January 17, 2003, the Medicaid patient days used to determine the Medicaid occupancy requirement set forth in (13)(B)10.A.(II) shall be calculated by adding the days paid for by the Medicaid nursing

facility program plus the days paid for by the Medicaid hospice program from the cost report identified in part (13)(B)10.A.(I).

G. State Fiscal Year (SFY) 2004 Ninety Percent (90%) Medicaid High Volume Grant.

(I) Effective for SFY 2004, additional, one (1) time funding shall be provided to nursing facilities that qualify for the first tier high volume adjustment, as set forth above in subparagraph (13)(B)10.A., and whose Medicaid patient days as determined from the cost report identified in part (13)(B)10.A.(I) exceeds ninety percent (90%) of the total patient days for all nursing facility licensed beds.

(II) The SFY 2004 High Volume Grant will be calculated as a per diem adjustment based upon the funding appropriated by the general assembly and the Medicaid days incurred by the qualifying providers during SFY 2003. The adjustment for State Fiscal Year 2004 shall be two dollars and thirty-six cents (\$2.36) per Medicaid day.

(III) The adjustment shall be distributed based on a quarterly amount, in addition to per diem payments, based on Medicaid days determined from the paid day report from Missouri's fiscal agent for pay cycles during State Fiscal Year 2003.

H. High volume adjustment for nursing facilities placed in receivership.

(I) For facilities placed in receivership under Missouri law after December 31, 2001, the division shall make a determination as to whether the operator of the facility when the receivership ended (i.e., successor operator) is a related party to the facility placed in receivership. If the successor operator is determined to be an unrelated party and the facility was receiving the high volume adjustment prior to the receivership, the facility shall continue to receive the high volume adjustment during the receivership and until the adjustment is based on the first full year cost report prepared by the successor operator.

(II) Any adjustments contingent upon the facility qualifying for the high volume adjustment shall not be granted if the facility did not qualify for the high volume adjustment except as provided in (13)(B)10.G.(I) above.

(III) This provision only applies until the first full year cost report is available, after which the facility must qualify for the high volume adjustment each year as specified in (13)(B)10.A., B., and C. in order to receive it.

11. Minimum Rate Adjustment. A minimum rate adjustment shall be granted to qualifying providers, as follows:

A. Effective for dates of service beginning July 1, 2001, the minimum Medicaid reimbursement rate for nursing facility services shall be eighty-five dollars (\$85).

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, consult the Code of State Regulations. Amended: Filed March 12, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately four hundred seven thousand nine hundred eighty-two dollars (\$407,982) annually.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of

this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Division of Medical Services	\$407,982

III. WORKSHEET

Estimated Annual Medicaid Days- SFY 04	28,411
High Volume Adjustment	<u>\$14.36</u>
Total Estimated Annual Cost	<u>\$407,982</u>

IV. ASSUMPTIONS

The estimated cost for the high volume adjustment for nursing facilities placed in receivership is \$407,982 based on estimated days for SFY 04 for one qualifying facility.

There is no cost associated with the waiver of the cost report filing requirement for a change in provider status.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-6.533 Shovelnose Sturgeon is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 161). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.550 Other Fish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 161-162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-10.722 Missouri River Shovelnose Sturgeon
Commercial Harvest Permit is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 162-163). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 164-165). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2126). The section with changes to the proposed rule is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. Six (6) comments were received.

COMMENT: One (1) entity requested the reference to CD-ROM product be removed because if it were discontinued the Missouri rules would have to be revised. The entity stated the reference to the American Institute of Certified Public Accountants (AICPA) and their website should suffice to notify licensees of what standards will apply for statements on Standards of Attestation Engagement. One (1) entity commented that this product had not been reviewed by AICPA Peer Review Board for accuracy. The requirement that the licensee determine the conflict between the Code of Professional Conduct and the Missouri statute and rules is challengeable.

RESPONSE: The board noted that incorporated by reference materials is required by section 536.031.4, RSMo and will remain in the rule. The board disagreed that the Rules of Professional Conduct have not been approved by AICPA. While the AICPA Peer Review Board may not approve these rules, the board is not aware of any authority this body has over the AICPA Rules of Professional Conduct. The board also does not believe there is any likely conflict between Missouri Rules of Conduct and the AICPA Rules of Professional Conduct, because Missouri is adopting the AICPA rule. Given the recent Missouri Administrative Hearing Commission decision in *Board of Accountancy v. Schlotzhauer*, AHC No. 00-0036 AC (2002), the board believes the new rule reduces the possibility of a conflict. Therefore, this portion of section (1) will not be modified in the final rule.

COMMENT: One (1) entity asked that sections (2) and (3) be reviewed, as they felt the final sentence was confusing, and possibly unenforceable as it would be difficult for a licensee to determine what is meant by "other pronouncements that have similar generally recognized authority." The entity suggested the board add a new section (5) to read as follows: The term "approved peer review program" shall mean either the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program or a program found by the board to meet the "Standards for Performing and Reporting on Peer Reviews" as promulgated by the AICPA.

RESPONSE AND EXPLANATION OF CHANGE: The board voted that the sentence would remain in the final order and in order to provide clarification to the text of the rule would add the word "professional."

COMMENT: One (1) entity asked that sections (2) and (3) be reviewed, and a new section (5) be added to state: The term "approved peer review program" shall mean either the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program or a program found by the board to meet the "Standards for Performing and Reporting on Peer Reviews" as promulgated by the AICPA to define peer review program, and eliminate confusion.

RESPONSE AND EXPLANATION OF CHANGE: The board did accept the comment and modified the proposed language for inclusion in the final rule.

COMMENT: Two (2) entities asked that the board not implement the AICPA standards status quo, and develop its own peer review program.

RESPONSE: The concerns were addressed but no changes were made. The board believed that its own peer review program would not only be expensive and difficult, but may also be in conflict with other states. Therefore, our licensee's peer reviews may not be accepted in other states where they are licensed, which would be an additional expense that the board does not wish to place on Missouri licensees.

COMMENT: Three (3) entities submitted comments regarding general peer review and auditing issues, including the cost of peer review for small practitioners. They also expressed concern regarding direct competition with non-CPAs who are not required to maintain any standards or show any competency of their work.

RESPONSE: The board stated they are aware of these entities concerns and takes their concerns seriously. The requirement for peer reviews is only for practitioners who perform audit, review or compilation work. The board did support the change made by the Missouri General Assembly in 2001 and believes the new requirement reflects the growing trend in all states to make peer review a condition for licensure renewal to increase competency.

COMMENT: Two (2) entities expressed concern regarding the issue of a new CPA not being required to work for a firm prior to licensing. Although the prior two (2) year rule did not always provide a range of work opportunities for some CPAs, it did offer insight to how a firm is operated from timekeeping and work billing to organization of workpapers. Without working for a CPA firm, much of this knowledge will never be obtained.

RESPONSE: Under the new law, all applicants must demonstrate one (1) year experience, which is verified by a licensed certified public accountant. The experience is to be accounting related. The board believes the change in the law will address an inequity in the old law, which prevented individuals qualified to practice public accounting but could not meet the supervision requirement from obtaining a license. Furthermore, the new law requires any applicant who wants to perform attest services to obtain a second year of work experience which must include attest related activities. Therefore, the change in the experience requirement should increase competency overall.

COMMENT: One (1) entity stated if it was the board's intention to further consolidate the attestation function within an even smaller group of practice units, increase the cost to small businesses and ultimately reduce access to the audit and review services of CPAs, then the implementation of the peer review program will be a success. However, if the board's intention to improve the quality of the audit and review function of practice units, the implementation of peer review, as it is currently designed, will be only marginal while incurring a rather significant cost. No amount of peer review nor legislation can circumvent the behavior of people who would sacrifice their professional integrity for the sake of money. The controls that are already in place should make any such behavior short-lived. The commenter stated that should this rule be implemented, he would probably sell the practice and seek other means of support. He further stated that several years ago the Kansas Board of Accountancy reviewed his audit and review reports and found their comments and suggestions quite helpful and the cost passed on to him was quite reasonable and suggested a program such as that followed by the Kansas Board be more beneficial to the small practitioner or require additional CPE in that audit area.

RESPONSE: The board believes that the attest function is a hallmark of the CPA function. Charges for the attest and review services are determined by the practitioner, not the board, based on the needs of the marketplace and each practitioner's costs. The board also considered the comment on the level of peer review to impose and reference to the Kansas model as a possible alternative. However, the executive director for the Kansas State Board of Accountancy advised the board that Kansas adheres to the AICPA peer review model, which is consistent with the peer review rules currently proposed.

Therefore, no changes were made to the text of the rule based on these comments.

COMMENT: One (1) entity stated that it appears the board is transferring its new governmental regulatory responsibility related to peer review to entities it does not control, i.e., the American Institute of Certified Public Accountants, the Missouri Society of Certified Public Accountants, etc. The commenter believes Missouri and other states are being unduly influenced by such membership-driven organizations that have a vested financial interest in administering peer reviews and make decisions that benefit their organizations, not Missouri CPAs. The commenter questioned how the board, funded by taxpayer dollars and fees paid by CPAs allows entities such as AICPA and MSCPA, who have non-CPA members, to affect professional licensing and self-regulation in any way. By doing so, the board effectively allows a nongovernmental entity to overstep its purpose and develop, implement, and oversee regulatory requirements. Self-regulation improvements promised to the professional through peer reviews administered by the AICPA have not been met as clearly by the Arthur Anderson debacle. Now is the time for the board to be an example to other states and show their commitment to the profession by making much needed reform to peer review standards and the peer review process. The board should begin with a simplified process that reflects the original, true intent of the peer review program and end the administrative burden the AICPA and MSCPA have created. The board needs to balance the cost of the peer review program with the benefit it provides to the profession and the public. Under the current administrative system, costs greatly outweigh the benefits provided. The commenter suggested the board readily accept its new responsibilities related to the profession, rather than accepting the AICPA/MSCPA peer review status quo. The board should develop its own peer review program requirements to best fit Missouri CPAs and not use the AICPA that is serving the varied interests of CPAs nationwide. The board should consider establishing a Peer Review Board, rather than, or in addition to, a Peer Review Oversight Board, who would develop, implement, administer and oversee the entire peer review process. This would allow the board to truly serve and regulate the professionals it serves and licenses. At a minimum, the board should contract with the AICPA, MSCPA or other entity in a way that allows the board to retain final authority over peer review. The commenter expressed concerns with the peer reviews only being conducted by another Missouri firm due to both client confidentiality and firm competition. By only allowing the use of in-state firms, firms are almost forced to use the services of St. Louis or Kansas City firms as there are few other firms outside these metropolitan areas that provide peer review services.

RESPONSE: Pursuant to section 326.289.9, RSMo the board is authorized to require peer review as a condition for licensure. Further Peer Review is defined by statute under section 326.256.1(14), RSMo. The board believes the proposed rules (4 CSR 10-5.070, 4 CSR 10-5.100, and 4 CSR 10-5.110), which address the standards for Peer Review, the administration of the Peer Review process for licensure and the oversight of its administration are consistent with the mandate of the General Assembly. The board is aware of your concern that the proposed rules on Peer Review will delegate aspects of the administration of peer review to AICPA and MSCPA. The board believes the AICPA model is well established and adhered to by a majority of the CPA profession as well as the growing trend of state licensing boards, which require Peer Review for licensure. Missouri Peer Review, as authorized by the Missouri General Assembly, is defined expressly as the AICPA model (or its equal) pursuant to section 326.256.1(14), RSMo. Therefore, the board does not believe it is unduly delegating its responsibilities to MSCPA in administering the Peer Review process, because MSCPA is already the designated AICPA Peer Review representative in Missouri. In fact, the rules cited by you do impose oversight requirements over MSCPA consistent with the board's statutory authority to determine the "effectiveness" of the Peer Review program. The

board also notes that the proposed rules on Peer Review permit the board to accept non-AICPA peer review provided that it is determined to be substantially equal to the AICPA model. Therefore, no Missouri licensed CPA would be required to obtain Peer Review through MSCPA if another provider is available. The board takes its responsibilities seriously and believes the proposed rules on Peer Review are consistent with its statutory mandate.

4 CSR 10-5.070 Peer Review Standards

(5) The term "approved peer review program" shall mean the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program, any approved AICPA peer review program, or a peer review administration program of a state board of accountancy which has been determined by the Missouri State Board of Accountancy to meet, or exceed, the AICPA Standards for Performing and Reporting on Peer Reviews.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 10—Missouri State Board of Accountancy Chapter 5—Peer Review

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.080 Firms Subject to Peer Review Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2126-2129). There are no changes to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 10—Missouri State Board of Accountancy Chapter 5—Peer Review

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.090 Peer Review Requirements for Renewal of a Firm Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2130). There are no changes to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2130–2131). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. Two (2) comments were received.

COMMENT: One (1) entity raised a question regarding the board's authority or jurisdiction of the board to review the "quality" of a peer review program that has been accepted by the Peer Review Oversight Board noting that under section 326.289.9(2) the review by the board is limited to determining the effectiveness of the review program but not quality. The entity, therefore, request the board remove the word "quality."

RESPONSE AND EXPLANATION OF CHANGE: The board agreed that the commenter was correct stating that the authorizing statute permits the board to determine the effectiveness of the review program. The board notes the term quality may be repetitive given the board's authority to assess the effectiveness of a review program. Therefore, the board removed the words "or quality."

COMMENT: One (1) entity stated that this rule appeared incomplete, as there was no distinctive wording for the PROB to control third-party administering methods, to allow for dispute resolutions, or to allow for an appeals process with the PROB. They suggested the duties of the PROB be increased to include responsibility for the peer review process from beginning to end in all stages.

RESPONSE AND EXPLANATION OF CHANGE: Entity (2) concerns were addressed and a legal opinion was obtained and the board has issued a response to this entity, but made no changes based on these comments. Based on comments received, the board felt the following change more clearly stated their original intent, and correct references. Changes have been made to sections (2), (3), and (4).

COMMENT: One (1) entity submitted comments stating that oversight appears incomplete as there is no distinctive wording provided for the Peer Review Oversight Board (PROB) to control third-party administering methods to allow for dispute resolutions with a third-party, to allow for an appeals process with the PROB, etc. The commenter suggested the duties of the PROB be increased to include responsibility for the peer review process from beginning to end, in all stages, development, implementation, administration and oversight. If the proposal allows only Missouri licensed firms to perform peer reviews, why would the board turn a significant function like Peer Review oversight to a far-removed organization headquartered in New York?

RESPONSE: The board also considered this comment on the level of Peer Review to impose and is concerned that a state administered peer review process, different from AICPA, would be unduly burdensome on licensees and potentially duplicative. The board takes its responsibilities seriously and believes the proposed rules on Peer Review are consistent with its statutory mandate.

4 CSR 10-5.100 Administration

(2) Upon request, from the Peer Review Oversight Board (PROB), the administrator shall provide a list containing the names of firms enrolled in, or terminated from, the peer review program. The list shall also include the firm names and addresses; the period covered by their most recently accepted peer review and the date of that peer review. The PROB, as defined in 4 CSR 10-5.110, may require additional information, or documentation, or individual peer reviews, or may review procedures, if they deem it necessary to ascertain the effectiveness of a peer review program that has been accepted by the PROB.

(3) Annually by June 1, the PROB shall provide the board a list of firms that are enrolled in an approved peer review program, a list of firms that have not provided the verification required by 4 CSR 10-5.090, and a list of firms terminated from the peer review program. These firms may be determined to be ineligible for renewal by the board.

(4) Firms determined to be ineligible for renewal for failure to be currently enrolled in an approved peer review program, and/or failure to provide the verifications required by 4 CSR 10-5.090 shall be notified by the board in writing of the reason(s) and shall be advised of its right to file a complaint with the Administrative Hearing Commission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.110 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2131–2132). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. One (1) comment was received.

COMMENT: One (1) entity stated that this rule appeared incomplete, as there was no distinctive wording for the PROB to control third-party administering methods, to allow for dispute resolutions, or to allow for an appeals process with the PROB. They suggested the duties of the PROB be increased to include responsibility for the peer review process from beginning to end in all stages.

RESPONSE AND EXPLANATION OF CHANGE: One (1) entity's concerns were addressed and a legal opinion was obtained and the board has issued a response to this entity, but made no changes based on these comments. Changes have been made to section (1). The board has also added (5), (6), and (7) based on comments from legal counsel.

4 CSR 10-5.110 Oversight

(1) The president of the board shall appoint a Peer Review Oversight Board (PROB) to ensure that firms comply with the peer review

requirements for firm permit renewal. All appointments must be approved by a majority of the board. PROB members may be removed at any time by a majority vote of the board for cause. The PROB shall meet as necessary to ascertain that participating firms are successfully undergoing peer review, are providing the verification required by 4 CSR 10-5.090, and are eligible for renewal of their firm permit. For the purposes of this rule, "undergoing peer review" shall mean enrolled in a peer review program that has been determined, by the PROB, to meet or exceed the standards of the American Institute of Certified Public Accountants (AICPA) peer review program which has been approved by the board. In addition a firm undergoing peer review shall have made the verifications required by 4 CSR 10-5.090.

(5) The peer review standards, requirements, administration, and oversight set forth in 4 CSR 10-5.070 through 4 CSR 10-5.110 shall not be applicable to any peer review proceedings conducted pursuant to section 326.310.3, RSMo unless the board so authorizes on a case-by-case determination.

(6) In conducting a peer review pursuant to section 326.310.3, RSMo the board shall have complete oversight of and access to peer review process and report.

(7) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 70—State Board of Chiropractic Examiners
Chapter 4—Chiropractic Insurance Consultant**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 331.060, 331.100.2 and 376.423, RSMo 2000, the board amends a rule as follows:

4 CSR 70-4.010 Chiropractic Insurance Consultant is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 88). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 70—State Board of Chiropractic Examiners
Chapter 4—Chiropractic Insurance Consultant**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 331.060, 331.100.2 and 376.423, RSMo 2000 and 331.050, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 70-4.030 Renewal and Postgraduate Education
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 88-89). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.250, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-1.030 Name and Address Changes for Individuals is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 23). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.247, 324.250, 324.252, 324.265 and 324.267, RSMo 2000, the board amends a rule as follows:

4 CSR 197-1.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 23-25). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.265, 324.267 and 324.270, RSMo 2000, the board amends a rule as follows:

4 CSR 197-2.010 Application for Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 26–31). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.265, RSMo 2000, the board amends a rule as follows:

4 CSR 197-2.030 Provisional License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 32–33). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, Supp. 2003 and 324.262 and 324.265, RSMo 2000, the board amends a rule as follows:

4 CSR 197-2.050 License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 34–35). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 3—Standards of Practice**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.262, RSMo 2000, the board amends a rule as follows:

4 CSR 197-3.010 Standards of Practice is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 36). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 197-5.010 Massage Therapy Business—Survey
Inspections is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 36). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 197-5.020 Issuance of an Original Business License
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 36–38). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257, 324.260, and 324.262, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

4 CSR 197-5.030 Massage Therapy Business—Change of Name, Ownership or Location **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 39–40). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.250, 324.255, 324.257, 324.260 and 324.262, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

4 CSR 197-5.040 Massage Therapy Business License Renewal **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 41–42). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068 and 324.077, RSMo 2000 and 324.086, RSMo Supp. 2003, the board amends a rule as follows:

4 CSR 205-3.030 Application for Limited Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 89). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission by sections 386.040, 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

4 CSR 240-3.500 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2139–2140). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) party filed comments suggesting a revision to 4 CSR 240-3.500(8). Two (2) parties filed written comments expressing concerns regarding 4 CSR 240-3.500(21). This portion of the proposed rulemaking pertains to a definition for the term “service objective.” Two (2) other parties filed written comments supportive of the proposed definition.

COMMENT: The commission staff (staff) states 4 CSR 240-3.500(8) should be further revised to mirror the proposed definition for customer as proposed in 4 CSR 240-32.020(11).

RESPONSE AND EXPLANATION OF CHANGE: The commission finds staff’s proposed revision to be reasonable. Staff recommends the proposed definition delete “etc.” and insert “or other entity.”

COMMENT: AT&T Communications of the Southwest, Inc. (AT&T) and MCI filed written comments for 4 CSR 240-3.500(21). AT&T and MCI oppose a blanket obligation to report all metrics upon an exchange-specific basis. Both companies challenge the proposed rule’s private cost, which contends the proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. AT&T and MCI state the commission should not assume there would not be a fiscal impact if these changes were adopted. Both parties state such detailed reporting is not realistic or meaningful. AT&T states that exchange-specific reporting for three (3) metrics (originating switched calls, local exchange switched call completion, and interexchange switched call completion) is redundant or impossible. One (1) switch can provide local service to more than one (1) exchange and these metrics are intended to simply monitor the performance of a switch. The switch should perform the same across each exchange. Both AT&T and MCI recommend the commission delete the proposed definition.

Staff and the Office of the Public Counsel (OPC) find the proposed definition for “service objective” to be reasonable. Staff points out the term is used in the commission’s existing rules; however it has never been defined. Staff and OPC note that existing rules contemplate exchange-specific monitoring of quality of service measures. OPC suggests such monitoring advances the protection of the ratepayer and is consistent with the public interest as identified in section 392.185, RSMo 2000.

RESPONSE: The commission’s existing telecommunications quality of service rules repeatedly used the term “service objective.” In this respect, the concept of defining a term used in the commission’s rules is reasonable. The term is intended to demonstrate an acceptable quality of service level for the various service categories. The proposed definition also states that service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080. According to 4 CSR 240-32.080, the existing monitoring criteria for many quality of service categories

is by exchange. Such exchange-specific monitoring criteria are not being changed by this proposed rulemaking. In this respect monitoring certain quality of service measures on an exchange-specific basis should not be considered a new requirement for providers of basic local telecommunications service. In addition, the commission has previously stated Chapter 32 requirements should apply to both incumbent and competitive local exchange companies (see (24 MoReg 1956 and 1963) August 2, 1999 *Missouri Register*). Based on these considerations the proposed definition is reasonable and it should not impose a financial impact on any company if the company is currently complying with the commission's rules. No changes will be made to the proposed definition based on these comments.

4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules

(8) Customer means any individual, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other entity that accepts financial and other responsibilities in exchange for telecommunications service.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission by sections 386.040, 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

4 CSR 240-3.550 Telecommunications Company Records and Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2140). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No party filed comments regarding this rulemaking.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission by sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

4 CSR 240-32.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2145-2147). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed regarding the following portions of 4 CSR 240-32.020: 4 CSR 240-32.020(5) the proposed definition for "basic local telecommunica-

tions service," 4 CSR 240-32.020(29) the proposed definition for "operator assisted calls," 4 CSR 240-32.020(36) the proposed definition for "service objective," and 4 CSR 240-32.020(48) the proposed definition for "unusual repair." In addition a comment recommended "out-of-service" be defined.

COMMENT: AT&T Communications of the Southwest, Inc. (AT&T) expressed concerns regarding 4 CSR 240-32.020(5) pertaining to the proposed definition for basic local telecommunications service. AT&T states the proposed definition's reference to the Missouri statutory definition is overly broad. AT&T recommends the definition reference 4 CSR 240-32.100 rather than section 386.020(4), RSMo. MCI concurs with AT&T's concerns.

RESPONSE: AT&T appears to be recommending the commission adopt the components identified in 4 CSR 240-32.100(2) in defining basic local telecommunications service. This section of the commission rules identifies service features considered to be minimum elements for basic local and interexchange telecommunications service (emphasis added). Section 386.020(4), RSMo identifies more components than 4 CSR 240-32.100(2). For example, section 386.020(4), RSMo includes access to such services as local operator services and local directory assistance. These are important components of basic local telecommunications service. Therefore, the commission will maintain the current reference to section 386.020(4).

COMMENT: The commission staff (staff) recommends a proposed revision to 4 CSR 240-32.020(29). Staff recommends further clarifications to reflect only "0-" dialed operator service calls.

RESPONSE AND EXPLANATION OF CHANGE: The commission concurs with staff's recommendation as defined. Staff points out that operator service calls dialed on a "0+" basis would be technically difficult for a basic local telecommunications company to monitor.

COMMENT: AT&T and MCI expressed concerns regarding 4 CSR 240-32.020(36). AT&T and MCI oppose a blanket obligation to report all metrics upon an exchange-specific basis. Both companies challenge the proposed rule's private cost, which contends the proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. AT&T and MCI state the commission should not assume there would not be a fiscal impact if these changes were adopted. Both parties state such detailed reporting is not realistic or meaningful. AT&T states that exchange-specific reporting for three (3) metrics (originating switched calls, local exchange switched call completion, and interexchange switched call completion) is redundant or impossible. One (1) switch can provide local service to more than one (1) exchange and these metrics are intended to simply monitor the performance of a switch. The switch should perform the same across each exchange. Both AT&T and MCI recommend the commission delete the proposed definition.

Staff and the Office of the Public Counsel (OPC) find the proposed definition for "service objective" to be reasonable. The commission staff point out the term is used in the commission's existing rules; however it has never been defined. Staff and OPC note that existing rules contemplate exchange-specific monitoring of quality of service measures. OPC suggests such monitoring advances the protection of the ratepayer and is consistent with the public interest as identified in section 392.185, RSMo 2000.

RESPONSE: The commission's existing telecommunications quality of service rules repeatedly used the term "service objective." In this respect, the concept of defining a term used in the commission's rules is reasonable. The term is intended to demonstrate an acceptable quality of service level for the various service categories. The proposed definition also states that service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080. According to 4 CSR 240-32.080, the existing monitoring criteria for many quality of service categories is by exchange. Such exchange-specific monitoring criteria are not

being changed by this proposed rulemaking. In this respect monitoring certain quality of service measures on an exchange-specific basis should not be considered a new requirement for providers of basic local telecommunications service. In addition, the commission has previously stated Chapter 32 requirements should apply to both incumbent and competitive local exchange companies (see August 2, 1999 *Missouri Register*, (24 MoReg 1956 and 1963)). Based on these considerations the proposed definition is reasonable and it should not impose a financial impact on any company if the company is currently complying with the commission's rules. No changes will be made to the proposed definition based on these comments.

The commission will consider AT&T's comments in consideration of revisions to 4 CSR 240-32.080(5)(E) originating switched calls; (F) local exchange switched call completion; and (G) interexchange switched call completion. The commission agrees with AT&T that these three (3) metrics are intended to measure the performance of a switch. If one (1) switch is used to serve multiple exchanges then it may be appropriate to allow a company to monitor performance based on the switch rather than by exchange. The commission will address this aspect of AT&T's concerns in 4 CSR 240-32.080.

COMMENT: The Missouri Telecommunications Industry Association (MTIA) and AT&T expressed specific concerns regarding 4 CSR 240-32.020(48) the proposed definition for the term "unusual repair." Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (SBC) and CenturyTel of Missouri, LLC (CenturyTel) expressed support for MTIA's comments. MCI concurs with comments made by both MTIA and AT&T. MTIA and AT&T recommend the proposed definition delete the sentence, "Lack of material and manpower does not constitute unusual repair." MTIA states most carriers cannot keep all possible repair and replacement materials in inventory. In addition, many carriers have a relatively small work force. According to MTIA, if repairs exceed the immediate resources of a carrier then such a condition should be considered an external element beyond the control of the company.

Staff comments the proposed definition is intended to clarify a repair situation that may be excluded from the "Out-of-Service Cleared" within twenty-four (24) hours objective. The proposed definition attempts to define unusual repair as when restoration is prohibited by an external element that is beyond the control of the company. Staff claims work force and/or material limitations that prevent the company from restoring service within twenty-four (24) hours, such limitations are within the company's control and therefore should not be considered unusual repair.

RESPONSE AND EXPLANATION OF CHANGE: The term "unusual repair" is used in existing 4 CSR 240-32.080(5)(I) (2). "Clearing time—Out-of-Service Conditions." According to this portion of the commission's rules, the service objective is that ninety percent (90%) or more of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours. This objective means that a company does not count a trouble report requiring unusual repair in the tabulation for this quality of service category. For example, if a company receives one hundred (100) trouble reports involving an out-of-service condition in a reporting time period and the company resolves eighty-five (85) of these one hundred (100) reports within twenty-four (24) hours the company could claim a clearing time for out-of-service condition of eighty-five percent (85%) (85/100) which is below the commission's service objective. Using this same example, if a company can claim an unusual repair condition for seven (7) of the fifteen (15) trouble reports not cleared within twenty-four (24) hours then the company could report a clearing time for out-of-service conditions of ninety-one percent (91%) (85/(100-7)). In this respect unusual repair can improve a company's performance for this service category.

The commission does not believe it is prudent to give any company unrestricted discretion in determining whether a specific situation can be classified as unusual repair. Nevertheless, the commission will revise this portion of the rule as defined. In this regard a com-

pany may qualify for an unusual repair situation involving lack of material and manpower if the company contacts staff in advance of submitting its quarterly quality of service report and the staff makes the determination that the company's particular situation warrants a classification of unusual repair.

MTIA's and AT&T's recommended revision would essentially make this service objective meaningless. Conceivably a company could claim lack of manpower for any trouble report with an out-of-service condition. For example, the company could simply claim the company lacked the necessary manpower to respond to any trouble report not cleared within twenty-four (24) hours. The commission acknowledges that most companies will also not keep all possible repair and replacement materials in inventory. Nevertheless, lack of material should not be considered unusual repair. A company's inventory level should not be considered an external element beyond the control of the company. MTIA's and AT&T's recommended revision could essentially reward a company for failing to keep any inventory because the company could then claim unusual repair for any trouble repair requiring material. Instead, unusual repair should be reserved for limited situations that are truly beyond the control of the company.

COMMENT: Staff recommends the commission define "out-of-service." This term is currently used in 4 CSR 240-32.080(5)(H)2. but is not defined.

RESPONSE AND EXPLANATION OF CHANGE: The commission concurs with staff's recommendation as defined.

4 CSR 240-32.020 Definitions

(29) Operator assisted calls—a telecommunications service using either human or automated call intervention that is initiated by dialing solely on a "0-" basis.

(30) Out-of-service—an out-of-service condition exists when a customer reports or a test reveals the customer has lost the ability to originate or receive a call.

(31) Outside plant—the telecommunications wires, cable, equipment and facilities installed along, over or under streets, alleys, highways or private rights-of-way between the central office and customers' premises or between central offices.

(32) Pay telephone—a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

(33) Person—person as defined in section 386.020(39), RSMo.

(34) Private shared tenant services—private shared tenant services as defined in section 386.020(40), RSMo.

(35) Rate—rate as defined in section 386.020(45), RSMo.

(36) Service—service as defined in section 386.020(47), RSMo.

(37) Service objective—an acceptable level of service for an established category of service as identified in 4 CSR 240-32.080. Service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080.

(38) Station—a point of input to or output from the network, including a telephone instrument or other terminal device.

(39) Subsequent trouble report—A trouble report received for the same access line for trouble already reported but not yet cleared.

(40) Surveillance level—a substandard level of performance for an established category of service as identified in 4 CSR 240-32.080. A company whose service falls within a surveillance level shall immediately investigate and take appropriate corrective action to achieve and maintain the commission's service objective.

(41) Switching—a generic term for machines that switch telephone calls from/to other telephones or trunks.

(42) Tandem—a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(43) Tariff—a schedule of rates, services and rules approved by the commission.

(44) Telecommunications company—telecommunications company as defined in section 386.020(51), RSMo.

(45) Telecommunications facilities—telecommunications facilities as defined in section 386.020(52), RSMo.

(46) Telecommunications service—telecommunications service as defined in section 386.020(53), RSMo.

(47) Traffic—telecommunications volume, based on number of calls and duration of messages.

(48) Unlisted telephone number—a telephone number which is not listed in the paper phone directories and is not given out to callers to Directory Assistance.

(49) Unusual repair—unusual repair exists when restoration is prohibited by an external element that is beyond the control of the company. Lack of material and manpower does not constitute unusual repair unless specifically requested by a company and approved by the commission staff to address a unique situation or condition.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission by sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

4 CSR 240-32.070 Quality of Service is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2148–2149). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One party identified specific concerns with 4 CSR 240-32.070.

COMMENT: The Missouri Telecommunications Industry Association (MTIA) expressed specific concerns regarding 4 CSR 240-32.070. Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (SBC) and CenturyTel of Missouri, LLC (CenturyTel) expressed support for MTIA's comments. MTIA recommends section (4) be amended as follows, "Each customer requesting the installation or repair of basic local telecommunications service will be provided with the date by which service will be installed or repaired." MTIA

states the term "commitment" has been difficult to define in a way that is commonly understood by the industry. According to MTIA's comments the recommended amendment to the proposed rule will still clarify the requirement to provide all customers with a specific date to expect service.

The Office of the Public Counsel (OPC) expressed support for the proposed amendment. Public counsel states the proposed revisions appear reasonable and are designed to respond to often heard customer complaints concerning lack of specific time commitments for service installation or repairs.

RESPONSE: The commission expects all companies to provide customers with the date the customer's service will be installed or repaired. As an example, if a company intends to install or repair service on Tuesday for a given customer then the customer will be informed their service will be installed or repaired on Tuesday. MTIA's recommended change appears to suggest the company could be less specific with the customer. In this same example, according to MTIA's recommended revision, the company could inform the customer their service will be working by Friday even though the company planned to actually have it working three (3) days earlier. Stated differently, in response to installation requests, MTIA's recommended revision would allow the company to simply indicate to the customer that service will be installed within five (5) business days. Repair requests could also be handled in a similar manner under MTIA's proposal whereby the company simply provides a date "by which" service should be repaired. In other words, MTIA's proposal appears to allow the company to provide a date by which the customer will have working service. MTIA's proposal does not appear to require the company to provide the actual date when the customer's service will be installed or repaired. The commission believes MTIA's recommended revision will essentially make the quality of service category of installation commitments meaningless, as described in existing rule 4 CSR 240-32.080(5)(C). Therefore, the commission rejects MTIA's proposal.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission by sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

4 CSR 240-32.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2149–2150). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A revision has been suggested for 4 CSR 240-32.080(2). Concerns were expressed by various parties regarding the following portions of 4 CSR 240-32.080(5): subsection (A) regarding orders for basic local telecommunications service; subsection (B) regarding installation commitments; subsection (C) regarding operator service; subsection (E) regarding originating switched calls; subsection (F) regarding local exchange switched call completion; and subsection (H) regarding customer trouble reports.

COMMENT: Staff recommends the second sentence in 4 CSR 240-32.080(2) be revised.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff's recommended revision. This revision deletes

“. . . to or below. . .” and inserts “within.” This suggested revision reflects that surveillance level can be a high or a low number depending on the criteria being monitored. For example, inferior performance is reflected in a high number for trouble report rate while inferior performance is reflected in a low number for the company’s percentage of installations for basic local service within five (5) working days.

COMMENT: Concerns regarding 4 CSR 240-32.080(5)(A) were expressed by the Missouri Telecommunications Industry Association (MTIA). MTIA recommends paragraph (5)(A)1. be amended as follows: Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, a natural disaster, or an external element that is beyond the control of the company—. MTIA alleges that many natural disasters that impact service are very localized and are not likely to be officially a declared natural disaster by the governor. MTIA’s proposal also recognizes the possibility of external conditions impacting this service objective.

Staff expresses support for this portion of the proposed amendment. Staff claims the rulemaking, as proposed, removes ambiguities that currently exist in the interpretation of the rule. The rule’s current wording provides wide discretion to companies in claiming an exception based on a natural disaster.

RESPONSE AND EXPLANATION OF CHANGE: MTIA’s proposed wording as well as the existing rule appears to provide wide discretion to companies in not counting orders not meeting the commission’s service objective. The exceptions noted in the commission’s rule allow a company to not count an order that may have failed to meet the established service objective if the failure is due to a customer-caused delay or a natural disaster. A common theme of staff’s comments is that many of the proposed revisions are appropriate because “. . . it will attempt to achieve greater consistency among parties in their quality of service reporting. . . .” In this instance staff points out the existing rule allows a company to claim it experienced a natural disaster for any storm ranging from a slight rain shower to more severe weather. Providing a company with the discretion to claim a natural disaster creates greater inconsistencies between companies in tabulating their quality of service reports.

MTIA’s proposed revision appears to expand a company’s discretion by including any external element that is beyond the control of the company. MTIA does not provide any examples of what external elements might be beyond the control of the company that are not already addressed in the pending rulemaking. Absent such examples it appears MTIA’s proposal would provide companies with wide latitude to exclude orders in the tabulation of its quality of service report results.

The commission’s rules should be worded in such a manner to ensure consistent interpretation and consistent tabulation of quality of service reports. MTIA’s proposed revisions do not appear to ensure companies will have a consistent interpretation of when to exclude orders based on a natural disaster or if an external element is beyond the control of the company. Based on this consideration the commission rejects MTIA’s proposed revision. Nevertheless, the commission will modify the proposed rule for 4 CSR 240-32.080(5)(A)1.

COMMENT: Concerns were expressed by MTIA regarding 4 CSR 240-32.080(5)(A)1.A. MTIA recommends this portion of the rule be amended as follows: “Within five (5) working days after the customer ordered service; or within seven (7) working days after the customer ordered service if the installation involves excavation which requires mandatory notice of intent to excavate to the state notification center pursuant to section 319.026, RSMo; or. . . .” MTIA states service providers are required by law to notify the state “one-call” notification center of their intent to excavate in an area at least two (2) working days before commencement of the excavation.

RESPONSE: MTIA’s proposed revision clearly makes it easier for companies to meet the commission’s service objective. MTIA’s proposed revision would also mean that customers might have to wait

longer for service to be installed. For example a company could install a customer’s service in seven (7) working days rather than the current five (5) working days and still comply with the commission’s service objective. The commission is concerned about the customer impact of MTIA’s proposed revision especially when most companies are able to easily meet the commission’s existing five (5)-day service objective. The statewide reported average for the past thirty (30) months is that ninety-four percent (94%) of all orders for basic local telecommunications service are completed within five (5) working days. This statewide average easily exceeds the commission’s existing service objective that of ninety percent (90%) of all orders for basic local telecommunications services are completed within five (5) working days. Although Chapter 319, RSMo does establish excavation requirements, the commission has not observed that these requirements have actually made it more difficult to achieve the existing service objective. However, in fairness to the position proposed by MTIA, Missouri law does appear to give third and fourth class counties until January 1, 2005 to fully comply with these requirements. In this respect we may not fully know the full impact of these excavation requirements until after this date. The commission will continue to monitor the situation to see if MTIA’s proposal deserves further consideration. In the meantime the commission rejects MTIA’s proposal and will maintain the existing five (5)-day service objective.

COMMENT: Concerns were expressed by MTIA regarding 4 CSR 240-32.080(5)(B). MTIA recommends this portion of the commission’s rules be amended as follows, “(5)(B) Installation—all customers shall be given a date by which service will be installed in accordance with 4 CSR 240-32.070(4)—

1. Service objective—that ninety-five percent (95%) or more of installations of basic local telecommunications service shall be, made by the date provided the customer, except for customer-caused delays, a natural disaster, or an external element that is beyond the control of the company;” MTIA states that these revisions are proposed based on MTIA’s previous recommendations.

RESPONSE AND EXPLANATION OF CHANGE: MTIA’s rationale for these proposed changes appears to be based on MTIA’s comments for 4 CSR 240-32.070 and 4 CSR 240-32.080(5)(A). For the same reasons previously expressed by the commission, MTIA’s proposed revisions will be rejected. Nevertheless, the commission will modify the proposed rule for 4 CSR 240-32.080(5)(B)1.

COMMENT: Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (SBC) did not strongly oppose the proposed amendments to 4 CSR 240-32.080(5)(C) if the company can calculate performance in the following manner: A carrier measures the time from when an incoming call appears on an operator’s switchboard to when the operator answers the call. The carrier could then combine this measurement with the carrier’s statewide switch delay time and report this aggregated measurement.

RESPONSE AND EXPLANATION OF CHANGE: SBC’s method of calculating performance for this category is reasonable and it will be adopted.

COMMENT: AT&T Communications of the Southwest, Inc. (AT&T) expresses concerns regarding 4 CSR 240-32.080(5)(C)3. MCI concurs with AT&T’s comments. AT&T states some competitive local exchange carriers resell the services of incumbent local exchange carriers to provide their own retail services. In those instances, the performance of the service being resold will be reported in the incumbent local exchange carrier’s quality of service report as the incumbent local exchange carrier does not separate the results of the performance of wholesale services from its own retail performance. In this regard AT&T claims the competitive local exchange carrier and incumbent local exchange carrier would be reporting the exact same information. If the incumbent local exchange carrier does not make the information available to the competitive local exchange

carrier, the competitive local exchange carrier would be unable to report this information.

To address such situations, AT&T recommends the following wording for 4 CSR 240-32.080(5)(C)3.: "Monitoring criteria—continuously, on a company-wide basis, if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as the local service provider's results. In the event the contractor of this service is an incumbent local exchange carrier and does not disaggregate its own retail performance from the wholesale performance, the retail provider of basic local exchange service may identify the contractor of this service and may concur in the performance of the contractor's service."

RESPONSE AND EXPLANATION OF CHANGE: AT&T's proposed revision is reasonable and will be adopted.

COMMENT: AT&T's comments for 4 CSR 240-3.500(21) and 4 CSR 240-32.020(36) implied certain revisions to 4 CSR 240-32.080(5)(E) originating switched calls; (F) local exchange switched call completion; and (G) interexchange switched call completion. AT&T states these metrics are designed to monitor the performance of a switch. AT&T claims that in many instances a single switch is used to provide basic local exchange service to multiple exchanges. AT&T states that monitoring the performance of a switch that serves multiple exchanges on an exchange specific basis is either redundant or impossible, as the switch will perform the same across each exchange.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with AT&T that these three (3) metrics are intended to measure the performance of a switch. The current monitoring criteria contemplate two (2) methods of monitoring. The preferred method is to continuously monitor the switch. For example, dial tone delay or dial tone denial reports could be used for monitoring originating switched calls. Likewise, switch call completion reports could be used to monitor local exchange switched call completion. Call blockage reports could be used to monitor interexchange switched call completion. These reports may track all the traffic associated with the switch. In other words, if a switch serves multiple exchanges, these reports may analyze traffic from all exchanges served by the switch. An alternative method of monitoring is if the company lacks the capability to produce such reports. In such instances the company is expected to conduct at least twenty-five (25) test calls, by exchange. This manual alternative method should only be conducted if the company lacks the technical ability to continuously monitor the performance of the switch. The commission will not modify the exchange-specific monitoring for this alternative method.

To try to minimize confusion on this issue, the commission will further revise the rule wording in the following paragraphs. 4 CSR 240-32.080(5)(E)3., (5)(F)3. and (5)(G)3.

COMMENT: MTIA recommends proposed revisions to 4 CSR 240-32.080(5)(H). MTIA recommends this portion of the rule be amended as follows: "(5)(H) Customer trouble reports regarding basic local telecommunications service—" MTIA states this proposed revision is consistent with 4 CSR 240-3.550. MTIA states companies should be able to exclude trouble reports related to non-basic services.

RESPONSE: The commission rejects MTIA's proposed revision because a company's trouble report rate should include trouble reports related to non-basic services. If a problem exists with any of the non-basic services offered by a company it should be reflected in the company's trouble report rate. In this respect MTIA's proposed revision would not accurately reflect a company's quality of service provided to customers. The proposed rule allows a company to not count certain trouble reports such as trouble reports specifically caused by CPE or inside wire.

COMMENT: MTIA recommends proposed revisions to 4 CSR 240-32.080(5)(H)1.D. MTIA recommends this portion of the rule be amended as follows: "(5)(H)1.D. The service objective and surveillance levels do not apply to trouble caused by elements external to the provider's network (e.g., CPE, inside wire, etc.) or when the report is a subsequent trouble report for the same access line. In order to exclude trouble reports caused by elements external to the provider's network, the provider must complete trouble isolation tests to verify that the cause of the trouble does not reside on the provider's network." MTIA's rationale for these proposed revisions is that providers do not control and many times cannot test elements beyond their own network. A service provider, however, can verify through network testing that the trouble does not reside on its own network.

RESPONSE: The commission recognizes that isolating trouble can be difficult. In some instances a company's test results may reveal no problems. For example, a wet cable may create trouble on a customer's line; however the trouble may mysteriously resolve itself as sunshine dries the cable. In such instances the company's test results may ultimately show faulty facilities to be OK. MTIA's proposed revisions would allow a company to not count such trouble reports in calculating its trouble report rate. In contrast to MTIA's recommendation, a company should only be allowed to not count a particular trouble report in calculating the company's trouble report rate if the company can identify the source of the problem and if the source is outside the company's network. For this reason, the commission rejects MTIA's proposed revision.

COMMENT: MTIA expresses concerns regarding 4 CSR 240-32.080(5)(H)3. MTIA recommends this portion of the commission's rules be revised as follows:

"3. Repair—All customers shall be given a date by which service will be restored in accordance with 4 CSR 240-32.070(4)—

A. Service objective—that ninety percent (90%) or more of commitments for clearing trouble shall be met, except for customer-caused delays, a declared natural disaster, or an external element that is beyond the control of the company."

MTIA recommends these revisions because commitments have been difficult to define in a way that is commonly understood by the industry. MTIA also states many natural disasters are very localized and are not likely to be officially "declared." The commission should recognize the possibility of external conditions impacting the attainment of the service objective.

In contrast to MTIA's comments, the Office of the Public Counsel (OPC) strongly supports the proposed rulemaking's requirement for a company to give customers time commitments to restore service and make repairs. The OPC states the proposed rulemaking advances the protection of the ratepayer and is consistent with the public interest as identified in section 392.185, RSMo 2000.

RESPONSE AND EXPLANATION OF CHANGE: The commission rejects MTIA's proposed revisions for reasons previously expressed in this rulemaking (see commission response for 4 CSR 240-32.070). Nevertheless the commission will modify the proposed rule for 4 CSR 240-32.080(5)(H)3.

4 CSR 240-32.080 Service Objectives and Surveillance Levels

(2) Each company is expected to provide service within each exchange or as otherwise monitored in this section that meets or exceeds the service objective level. If service within any exchange falls within the surveillance level, the company shall immediately investigate and take appropriate corrective action. The identified problem and the corrective action taken shall be submitted to the commission with the company's quarterly report.

(5) The service objectives, surveillance levels and monitoring criteria for the following categories are:

(A) Orders for basic local telecommunications service—

1. Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition—

A. Within five (5) working days after the customer ordered service; or

B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

2. Surveillance level—eighty-five percent (85%) or below; and

3. Monitoring criteria—continuously, by exchange;

(B) Installation commitments—all customers shall be given a commitment of when service will be installed in accordance with 4 CSR 240-32.070(4)—

1. Service objective—that ninety-five percent (95%) or more of commitments for installation of basic local telecommunications service shall be met, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition;

2. Surveillance level—ninety percent (90%) or below; and

3. Monitoring criteria—continuously, by exchange;

(C) Operator assisted calls—

1. Service objective—that one hundred percent (100%) of operator assisted calls, shall be answered on average within twelve (12) seconds or less of dialing “0.” This objective incorporates the required switch delay for “0-” calls;

2. Surveillance level—fourteen (14) seconds or more; and

3. Monitoring criteria—continuously, on a company-wide basis, if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results. In the event the contractor of this service is an incumbent local exchange carrier and does not disaggregate its own retail performance from the wholesale performance, the retail provider of basic local exchange service may identify the contractor of this service and may concur in the performance of the contractor’s service;

(D) Customer assistance calls—

1. Service objective—that the average speed of answer for calls to the business office or repair bureau shall be fifteen (15) seconds or less;

2. Surveillance level—that average speed of answer for calls to the business office or repair bureau exceeding twenty (20) seconds on a continuous basis indicates a need for investigation and corrective action; and

3. Monitoring criteria—continuously, on a company-wide basis via an interactive voice system, if not possible, manual monitoring of twenty-five (25) incoming calls to a service center will be conducted on a monthly basis;

(E) Originating switched calls—

1. Service objective—that ninety-eight percent (98%) or more of calls shall receive a dial tone within three (3) seconds;

2. Surveillance level—ninety-seven and four-tenths percent (97.4%) or less; and

3. Monitoring criteria—continuously, via dial tone delay or dial tone denial reports. These reports can monitor the switch’s traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results;

(F) Local exchange switched call completion—

1. Service objective—that ninety-eight percent (98%) or more of local exchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, via switch call completion reports. These reports can monitor the switch’s traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on at least twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as local service provider’s results;

(G) Interexchange switched call completion—

1. Service objective—that ninety-eight percent (98%) or more of interexchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, via call blockage reports. These reports can monitor the switch’s traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results; and

(H) Customer trouble reports—

1. Frequency—

A. Service objective—that the frequency shall not exceed six (6) reports for every one hundred (100) access lines each month;

B. Surveillance level—shall not exceed eight (8) reports for every one hundred (100) access lines each month;

C. Monitoring criteria—monthly, by exchange; and

D. The service objective and surveillance levels do not apply to trouble caused by customer provided equipment (CPE) and inside wire or when the report is a subsequent trouble report for the same access line. In order to exclude trouble reports caused by CPE or inside wire the company must specifically determine the cause is from CPE or inside wire. Trouble reports whereby a company simply tests the line and produces a “test ok” or “found ok” condition are still countable trouble reports and are not excludable from the company’s trouble report rate;

2. Clearing time—out-of-service conditions—

A. Service objective—that ninety percent (90%) or more of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours;

B. Surveillance level—eighty-five percent (85%) or less; and

C. Monitoring criteria—monthly by exchange; and

3. Repair commitments—All customers shall be given a commitment of when service will be restored in accordance with 4 CSR 240-32.070(4)—

A. Service objective—that ninety percent (90%) or more of commitments for clearing trouble shall be met, except for customer-caused delays and delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition;

B. Surveillance level—eighty-five percent (85%) or less; and

C. Monitoring criteria—monthly, by exchange.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 6—Workers' Compensation and
Employer's Liability**

IN ADDITION

**20 CSR 500-6.700 Workers' Compensation Managed Care
Organizations**

On September 26, 2002, the Circuit Court of Cole County, State of Missouri, issued a temporary restraining order enjoining the enforcement of the rule 20 CSR 500-6.700. On December 3, 2003, the Circuit Court of Cole County subsequently issued a permanent injunction prohibiting the Missouri Department of Insurance from taking any action to enforce or implement the foregoing regulation. See, *Alliance of American Insurers, et al. v. Missouri Department of Insurance and Scott B. Lakin, Director*, Case No. 02-CV-325517.

Contractor Debarment List

Name of Contractor	Name of Officer and Title	Address	Date of Conviction	Debarment Period
Bruner Contracting Company	Cynthia Bruner	218 Delaware, Ste. 211 Kansas City, MO 64105	9/9/03	9/9/03-9/9/04
Cynthia Bruner	N/A	218 Delaware, Ste. 211 Kansas City, MO 64105	9/9/03	9/9/03-9/9/04

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SYDNEY M. SHOENBERG & COMPANY, L.L.C.

Sydney M. Shoenberg & Company, L.L.C., a Missouri limited liability company, filed a Notice of Winding Up on February 23, 2004. Any claims against the company may be sent to John L. Gillis, Jr., Esq., c/o Armstrong Teasdale LLP, One Metropolitan Square, Suite 2600, St. Louis, Missouri 63102. Each claim must include the name, address, and telephone number of the claimant, the dates of occurrence of events upon which the claim is based and a brief description of the basis for the claim or the nature of the debt, the amount of the claim and whether the claim is secured, and, if so, the nature of the security. Any claim against Sydney M. Shoenberg & Company, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE TO UNKNOWN CLAIMANTS OF PF4 PROPERTIES, LLC

You are hereby notified that PF4 Properties, LLC, a Missouri limited liability company, the principal office of which is located at 3490 Timberline, Quincy, Illinois, 62301, (the "LLC"), is winding up the business of the company. Persons with claims against the LLC should file a claim with the LLC containing the following information:

1. Amount of the claim;
2. Basis for the claim;
3. Documentation of the claim.

The claim must be mailed to Gregory A. Pratt, 525 Jersey, Quincy, Illinois.

A claim against the LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication hereof.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Construction Plastics, Inc.**

On July 17, 2001, CONSTRUCTION PLASTICS, INC., a Kansas corporation, filed its Articles of Dissolution with the Kansas Secretary of State. Dissolution was effective on July 17, 2001.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Construction Plastics, Inc.
C/o VanOsdol, Magruder, Erickson & Redmond, P.C.
911 Main St., Ste. 2400
Kansas City, MO 64105

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of CONSTRUCTION PLASTICS, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE TO THE UNKNOWN CREDITORS
OF
WETTERAU ASSOCIATES II, L.L.C.**

You are hereby notified that on March 24, 2004, Wetterau Associates II, L.L.C., a Missouri limited liability company (the "Company"), filed Articles of Termination with the Secretary of State of Missouri.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at the following address:

Wetterau Associates II, L.L.C.
c/o Bryan Cave LLP
One Metropolitan Square, Suite 3600
St. Louis, MO 63102-2750
Attention: Susan Easton
(314) 259-2000
(314) 259-2020 (fax)

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

A claim against Wetterau Associates II, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		29 MoReg 577		
1 CSR 35-1.050	Division of Facilities Management	28 MoReg 1983	28 MoReg 1990	29 MoReg 401	
1 CSR 35-2.030	Division of Facilities Management	28 MoReg 1984	28 MoReg 1993	29 MoReg 401	
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-2.010	Market Development		28 MoReg 2087	29 MoReg 482	
2 CSR 30-1.010	Animal Health		29 MoReg 584		
2 CSR 30-1.020	Animal Health		29 MoReg 584		
2 CSR 30-2.020	Animal Health	29 MoReg 571	29 MoReg 584		
2 CSR 30-2.040	Animal Health	29 MoReg 572	29 MoReg 585		
2 CSR 30-3.020	Animal Health	29 MoReg 573	29 MoReg 586		
2 CSR 30-6.020	Animal Health	29 MoReg 573	29 MoReg 586		
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-11.010	Weights and Measures	28 MoReg 2207	28 MoReg 2211	29 MoReg 661	
2 CSR 90-30.050	Weights and Measures		28 MoReg 2211	29 MoReg 661	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-6.533	Conservation Commission		29 MoReg 161	This Issue	
3 CSR 10-6.550	Conservation Commission		29 MoReg 161	This Issue	
3 CSR 10-9.220	Conservation Commission		28 MoReg 2212	29 MoReg 401	
3 CSR 10-9.353	Conservation Commission		29 MoReg 162	29 MoReg 661	
3 CSR 10-9.565	Conservation Commission		28 MoReg 2018 29 MoReg 590	29 MoReg 216	
3 CSR 10-10.722	Conservation Commission		29 MoReg 162	This Issue	
3 CSR 10-10.725	Conservation Commission		29 MoReg 164	This Issue	
3 CSR 10-12.145	Conservation Commission		28 MoReg 2025	29 MoReg 219	29 MoReg 505
3 CSR 10-20.805	Conservation Commission		29 MoReg 590		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 10-1.010	Missouri State Board of Accountancy		28 MoReg 2089 29 MoReg 591		
4 CSR 10-1.030	Missouri State Board of Accountancy		28 MoReg 2090 29 MoReg 591		
4 CSR 10-1.040	Missouri State Board of Accountancy		28 MoReg 2091R 29 MoReg 592R		
4 CSR 10-2.005	Missouri State Board of Accountancy		28 MoReg 2091R 28 MoReg 2091 29 MoReg 593R 29 MoReg 593		
4 CSR 10-2.010	Missouri State Board of Accountancy		28 MoReg 2092R 29 MoReg 594R		
4 CSR 10-2.021	Missouri State Board of Accountancy		28 MoReg 2093R 29 MoReg 594R		
4 CSR 10-2.030	Missouri State Board of Accountancy		28 MoReg 2093R 29 MoReg 595R		
4 CSR 10-2.041	Missouri State Board of Accountancy		28 MoReg 2093 29 MoReg 595R		
4 CSR 10-2.042	Missouri State Board of Accountancy		28 MoReg 2094R 29 MoReg 596R		
4 CSR 10-2.051	Missouri State Board of Accountancy		28 MoReg 2094 29 MoReg 596R		
4 CSR 10-2.061	Missouri State Board of Accountancy		28 MoReg 2099 29 MoReg 600		
4 CSR 10-2.062	Missouri State Board of Accountancy		28 MoReg 2100R 29 MoReg 601R		
4 CSR 10-2.070	Missouri State Board of Accountancy		28 MoReg 2101 29 MoReg 602		
4 CSR 10-2.072	Missouri State Board of Accountancy		28 MoReg 2102 29 MoReg 603		
4 CSR 10-2.075	Missouri State Board of Accountancy		28 MoReg 2105 29 MoReg 606		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 10-2.095	Missouri State Board of Accountancy		28 MoReg 2108 29 MoReg 609		
4 CSR 10-2.101	Missouri State Board of Accountancy		28 MoReg 2109 29 MoReg 611R		
4 CSR 10-2.111	Missouri State Board of Accountancy		28 MoReg 2110R 29 MoReg 611R		
4 CSR 10-2.112	Missouri State Board of Accountancy		28 MoReg 2110R 29 MoReg 611R		
4 CSR 10-2.115	Missouri State Board of Accountancy		28 MoReg 2110R 29 MoReg 611R		
4 CSR 10-2.120	Missouri State Board of Accountancy		28 MoReg 2111R 29 MoReg 612R		
4 CSR 10-2.130	Missouri State Board of Accountancy		28 MoReg 2111 29 MoReg 612		
4 CSR 10-2.135	Missouri State Board of Accountancy		28 MoReg 2112 29 MoReg 613		
4 CSR 10-2.140	Missouri State Board of Accountancy		28 MoReg 2112 29 MoReg 613		
4 CSR 10-2.150	Missouri State Board of Accountancy		28 MoReg 2115 29 MoReg 616		
4 CSR 10-2.160	Missouri State Board of Accountancy		28 MoReg 2115 29 MoReg 616		
4 CSR 10-2.180	Missouri State Board of Accountancy		28 MoReg 2116R 29 MoReg 617R		
4 CSR 10-2.190	Missouri State Board of Accountancy		28 MoReg 2116R 29 MoReg 617R		
4 CSR 10-2.200	Missouri State Board of Accountancy		28 MoReg 2116 29 MoReg 617		
4 CSR 10-2.210	Missouri State Board of Accountancy		28 MoReg 2117R 29 MoReg 618R		
4 CSR 10-2.215	Missouri State Board of Accountancy		28 MoReg 2117R 29 MoReg 618R		
4 CSR 10-3.010	Missouri State Board of Accountancy		28 MoReg 2117 29 MoReg 618		
4 CSR 10-3.020	Missouri State Board of Accountancy		28 MoReg 2118R 29 MoReg 619R		
4 CSR 10-3.030	Missouri State Board of Accountancy		28 MoReg 2118R 29 MoReg 619R		
4 CSR 10-3.040	Missouri State Board of Accountancy		28 MoReg 2119R 29 MoReg 620R		
4 CSR 10-3.060	Missouri State Board of Accountancy		28 MoReg 2119 29 MoReg 620		
4 CSR 10-4.010	Missouri State Board of Accountancy		28 MoReg 2120R 28 MoReg 2120 29 MoReg 621R 29 MoReg 621		
4 CSR 10-4.020	Missouri State Board of Accountancy		28 MoReg 2124R 28 MoReg 2124 29 MoReg 625R 29 MoReg 625		
4 CSR 10-4.030	Missouri State Board of Accountancy		28 MoReg 2124R 29 MoReg 625R		
4 CSR 10-4.031	Missouri State Board of Accountancy		28 MoReg 2124 29 MoReg 625		
4 CSR 10-4.040	Missouri State Board of Accountancy		28 MoReg 2125R 29 MoReg 626R		
4 CSR 10-4.041	Missouri State Board of Accountancy		28 MoReg 2125 29 MoReg 626		
4 CSR 10-4.050	Missouri State Board of Accountancy		28 MoReg 2125R 29 MoReg 626R		
4 CSR 10-5.070	Missouri State Board of Accountancy		28 MoReg 2126	This Issue	
4 CSR 10-5.080	Missouri State Board of Accountancy		28 MoReg 2126	This Issue	
4 CSR 10-5.090	Missouri State Board of Accountancy		28 MoReg 2130	This Issue	
4 CSR 10-5.100	Missouri State Board of Accountancy		28 MoReg 2130	This Issue	
4 CSR 10-5.110	Missouri State Board of Accountancy		28 MoReg 2131	This Issue	
4 CSR 15-1.030	Acupuncturist Advisory Committee		29 MoReg 627		
4 CSR 15-2.020	Acupuncturist Advisory Committee		29 MoReg 629		
4 CSR 15-3.010	Acupuncturist Advisory Committee		29 MoReg 629		
4 CSR 15-4.020	Acupuncturist Advisory Committee		29 MoReg 630		
4 CSR 30-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 632		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 632		
4 CSR 70-2.031	State Board of Chiropractic Examiners		This Issue		
4 CSR 70-4.010	State Board of Chiropractic Examiners		29 MoReg 88	This Issue	
4 CSR 70-4.030	State Board of Chiropractic Examiners		29 MoReg 88	This Issue	
4 CSR 90-3.010	State Board of Cosmetology		28 MoReg 2133	29 MoReg 482	
4 CSR 90-5.010	State Board of Cosmetology		28 MoReg 2133	29 MoReg 482	
4 CSR 90-7.010	State Board of Cosmetology		28 MoReg 2133	29 MoReg 482	
4 CSR 90-8.010	State Board of Cosmetology		28 MoReg 2134	29 MoReg 483	
4 CSR 90-10.010	State Board of Cosmetology		28 MoReg 2134	29 MoReg 483	
4 CSR 90-11.010	State Board of Cosmetology		28 MoReg 2134	29 MoReg 483	
4 CSR 90-12.020	State Board of Cosmetology		28 MoReg 2137	29 MoReg 483	
4 CSR 90-12.070	State Board of Cosmetology		28 MoReg 2137	29 MoReg 483	
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 2137	29 MoReg 483	
4 CSR 100	Division of Credit Unions				29 MoReg 338 29 MoReg 505 29 MoReg 544 29 MoReg 680
4 CSR 110-2.130	Missouri Dental Board		29 MoReg 89		
4 CSR 110-3.010	Missouri Dental Board		29 MoReg 636		
4 CSR 110-3.020	Missouri Dental Board		29 MoReg 636		
4 CSR 110-3.030	Missouri Dental Board		29 MoReg 636		
4 CSR 110-3.040	Missouri Dental Board		29 MoReg 640		
4 CSR 110-3.050	Missouri Dental Board		29 MoReg 640		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		29 MoReg 165		
4 CSR 120-1.020	State Board of Embalmers and Funeral Directors		29 MoReg 165		
4 CSR 120-1.040	State Board of Embalmers and Funeral Directors		29 MoReg 166		
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		29 MoReg 167R 29 MoReg 167		
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		29 MoReg 174		
4 CSR 120-2.022	State Board of Embalmers and Funeral Directors		29 MoReg 174		
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		29 MoReg 175		
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		29 MoReg 175R 29 MoReg 175		
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		29 MoReg 180		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		29 MoReg 180R 29 MoReg 180		
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		29 MoReg 186R 29 MoReg 186		
4 CSR 120-2.071	State Board of Embalmers and Funeral Directors		29 MoReg 192		
4 CSR 120-2.080	State Board of Embalmers and Funeral Directors		29 MoReg 193		
4 CSR 120-2.090	State Board of Embalmers and Funeral Directors		29 MoReg 194		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		29 MoReg 195		
4 CSR 120-2.110	State Board of Embalmers and Funeral Directors		29 MoReg 196		
4 CSR 120-2.115	State Board of Embalmers and Funeral Directors		29 MoReg 196		
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		29 MoReg 641		
4 CSR 197-1.030	Board of Therapeutic Massage		29 MoReg 23	This Issue	
4 CSR 197-1.040	Board of Therapeutic Massage		29 MoReg 23	This Issue	
4 CSR 197-2.010	Board of Therapeutic Massage		29 MoReg 26	This Issue	
4 CSR 197-2.030	Board of Therapeutic Massage		29 MoReg 32	This Issue	
4 CSR 197-2.050	Board of Therapeutic Massage		29 MoReg 34	This Issue	
4 CSR 197-3.010	Board of Therapeutic Massage		29 MoReg 36	This Issue	
4 CSR 197-5.010	Board of Therapeutic Massage		29 MoReg 36	This Issue	
4 CSR 197-5.020	Board of Therapeutic Massage		29 MoReg 36	This Issue	
4 CSR 197-5.030	Board of Therapeutic Massage		29 MoReg 39	This Issue	
4 CSR 197-5.040	Board of Therapeutic Massage		29 MoReg 41	This Issue	
4 CSR 200-4.020	State Board of Nursing		29 MoReg 641		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		29 MoReg 89	This Issue	
4 CSR 210-2.080	State Board of Optometry		29 MoReg 642		
4 CSR 210-2.081	State Board of Optometry		29 MoReg 643R		
4 CSR 220-2.100	State Board of Pharmacy		This Issue		
4 CSR 220-2.300	State Board of Pharmacy		29 MoReg 89		
4 CSR 235-1.020	State Committee of Psychologists		29 MoReg 643		
4 CSR 235-1.050	State Committee of Psychologists		29 MoReg 644		
4 CSR 240-3.020	Public Service Commission		This Issue		
4 CSR 240-3.165	Public Service Commission		28 MoReg 2214	29 MoReg 401	
4 CSR 240-3.190	Public Service Commission		28 MoReg 2028	29 MoReg 402	
4 CSR 240-3.245	Public Service Commission		28 MoReg 2215	29 MoReg 407	
4 CSR 240-3.265	Public Service Commission		28 MoReg 1901	29 MoReg 661	
4 CSR 240-3.335	Public Service Commission		28 MoReg 2216	29 MoReg 408	
4 CSR 240-3.435	Public Service Commission		28 MoReg 2217	29 MoReg 409	
4 CSR 240-3.440	Public Service Commission		28 MoReg 1906	29 MoReg 409	
4 CSR 240-3.500	Public Service Commission		28 MoReg 2139	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.510	Public Service Commission		This Issue		
4 CSR 240-3.520	Public Service Commission		This Issue		
4 CSR 240-3.525	Public Service Commission		This Issue		
4 CSR 240-3.530	Public Service Commission		This Issue		
4 CSR 240-3.535	Public Service Commission		This Issue		
4 CSR 240-3.540	Public Service Commission		28 MoReg 2219	29 MoReg 410	
4 CSR 240-3.545	Public Service Commission		29 MoReg 369R 29 MoReg 369		
4 CSR 240-3.550	Public Service Commission		28 MoReg 2140	This Issue	
4 CSR 240-3.555	Public Service Commission		29 MoReg 374		
4 CSR 240-3.560	Public Service Commission		This Issue		
4 CSR 240-3.565	Public Service Commission		This Issue		
4 CSR 240-3.640	Public Service Commission		28 MoReg 2220	29 MoReg 410	
4 CSR 240-3.650	Public Service Commission		28 MoReg 1907	29 MoReg 667	
4 CSR 240-13.015	Public Service Commission		28 MoReg 2140 This Issue	29 MoReg 411W	
4 CSR 240-13.035	Public Service Commission		28 MoReg 2141	29 MoReg 672	
4 CSR 240-18.010	Public Service Commission		28 MoReg 2030	29 MoReg 411	
4 CSR 240-32.020	Public Service Commission		28 MoReg 2145	This Issue	
4 CSR 240-32.060	Public Service Commission		28 MoReg 2147		
4 CSR 240-32.070	Public Service Commission		28 MoReg 2148	This Issue	
4 CSR 240-32.080	Public Service Commission		28 MoReg 2149	This Issue	
4 CSR 240-32.200	Public Service Commission	29 MoReg 459	29 MoReg 646		
4 CSR 240-33.010	Public Service Commission		29 MoReg 374		
4 CSR 240-33.020	Public Service Commission		29 MoReg 374		
4 CSR 240-33.030	Public Service Commission		29 MoReg 376R		
4 CSR 240-33.040	Public Service Commission		29 MoReg 376		
4 CSR 240-33.060	Public Service Commission		29 MoReg 377		
4 CSR 240-33.070	Public Service Commission		29 MoReg 381		
4 CSR 240-33.080	Public Service Commission		29 MoReg 381		
4 CSR 240-33.110	Public Service Commission		29 MoReg 461		
4 CSR 240-33.150	Public Service Commission		29 MoReg 382		
4 CSR 240-33.160	Public Service Commission		This Issue		
4 CSR 240-36.010	Public Service Commission		29 MoReg 197		
4 CSR 240-36.020	Public Service Commission		29 MoReg 197		
4 CSR 240-36.030	Public Service Commission		29 MoReg 198		
4 CSR 240-36.040	Public Service Commission		29 MoReg 199		
4 CSR 240-36.050	Public Service Commission		29 MoReg 202		
4 CSR 240-36.060	Public Service Commission		29 MoReg 203		
4 CSR 240-36.070	Public Service Commission		29 MoReg 203		
4 CSR 240-36.080	Public Service Commission		29 MoReg 204		
4 CSR 250-8.090	Missouri Real Estate Commission		28 MoReg 2150	29 MoReg 484	
4 CSR 250-8.096	Missouri Real Estate Commission		28 MoReg 2152	29 MoReg 484	
4 CSR 250-8.097	Missouri Real Estate Commission		28 MoReg 2152	29 MoReg 484	
4 CSR 263-1.035	State Committee for Social Workers		29 MoReg 651		
4 CSR 263-2.032	State Committee for Social Workers		29 MoReg 653		
4 CSR 263-2.045	State Committee for Social Workers		29 MoReg 653		
4 CSR 263-2.047	State Committee for Social Workers		29 MoReg 654		
4 CSR 263-2.060	State Committee for Social Workers		29 MoReg 654		
4 CSR 263-2.062	State Committee for Social Workers		29 MoReg 654		
4 CSR 263-2.085	State Committee for Social Workers		29 MoReg 655		
4 CSR 263-2.090	State Committee for Social Workers		29 MoReg 655		
4 CSR 263-3.020	State Committee for Social Workers		29 MoReg 655		
4 CSR 263-3.040	State Committee for Social Workers		29 MoReg 656		
4 CSR 263-3.140	State Committee for Social Workers		29 MoReg 657		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 80-800.200	Teacher Quality and Urban Education		28 MoReg 1771	29 MoReg 484	
5 CSR 80-800.220	Teacher Quality and Urban Education		28 MoReg 1774	29 MoReg 485	
5 CSR 80-800.230	Teacher Quality and Urban Education		28 MoReg 1776	29 MoReg 485	
5 CSR 80-800.260	Teacher Quality and Urban Education		28 MoReg 1779	29 MoReg 486	
5 CSR 80-800.270	Teacher Quality and Urban Education		28 MoReg 1782	29 MoReg 487	
5 CSR 80-800.280	Teacher Quality and Urban Education		28 MoReg 1784	29 MoReg 487	
5 CSR 80-800.290	Teacher Quality and Urban Education		28 MoReg 1786	29 MoReg 488	
5 CSR 80-800.300	Teacher Quality and Urban Education		28 MoReg 1786	29 MoReg 488	
5 CSR 80-800.350	Teacher Quality and Urban Education		28 MoReg 1787	29 MoReg 488	
5 CSR 80-800.360	Teacher Quality and Urban Education		28 MoReg 1790	29 MoReg 490	
5 CSR 80-800.370	Teacher Quality and Urban Education		28 MoReg 1793	29 MoReg 491	
5 CSR 80-800.380	Teacher Quality and Urban Education		28 MoReg 1796	29 MoReg 491	
5 CSR 80-800.400	Teacher Quality and Urban Education		28 MoReg 1800	29 MoReg 495	
5 CSR 90-7.010	Vocational Rehabilitation		28 MoReg 1800	29 MoReg 495	
5 CSR 90-7.100	Vocational Rehabilitation		28 MoReg 1801	29 MoReg 495	
5 CSR 90-7.200	Vocational Rehabilitation		28 MoReg 1801	29 MoReg 495	
5 CSR 90-7.320	Vocational Rehabilitation		28 MoReg 1802	29 MoReg 495	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2222		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2223		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2223		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2224		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2224		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.100	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.125	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2226		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2226		
5 CSR 100-200.140	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.180	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2230		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2231		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.020	Missouri Highways and Transportation Commission		29 MoReg 384		
7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-26.010	Missouri Highways and Transportation Commission		28 MoReg 2231		
7 CSR 10-26.020	Missouri Highways and Transportation Commission		28 MoReg 2237		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 30-1.010	Division of Labor Standards		28 MoReg 2030	29 MoReg 495	
8 CSR 30-4.010	Division of Labor Standards		28 MoReg 2031	29 MoReg 496	
8 CSR 30-4.020	Division of Labor Standards		28 MoReg 2031	29 MoReg 496	
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council		29 MoReg 462		
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council		29 MoReg 463		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.190	Director, Department of Mental Health		28 MoReg 2153 This Issue	29 MoReg 496	
9 CSR 10-5.210	Director, Department of Mental Health		28 MoReg 2155	29 MoReg 496	
9 CSR 30-4.195	Certification Standards		29 MoReg 204		
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1805	29 MoReg 497	
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1805	29 MoReg 497	
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1809	29 MoReg 500	
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1812	29 MoReg 500	
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1816	29 MoReg 501	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.260	Air Conservation Commission		28 MoReg 1564	29 MoReg 412	
10 CSR 10-6.240	Air Conservation Commission		29 MoReg 303R		
10 CSR 10-6.241	Air Conservation Commission		29 MoReg 303		
10 CSR 10-6.250	Air Conservation Commission		29 MoReg 307		
10 CSR 10-6.260	Air Conservation Commission		28 MoReg 1911	29 MoReg 675	
10 CSR 20-7.050	Clean Water Commission		28 MoReg 2240		
10 CSR 40-10.020	Land Reclamation Commission		29 MoReg 204		
10 CSR 40-10.050	Land Reclamation Commission		29 MoReg 205		
10 CSR 60-5.010	Public Drinking Water Program		29 MoReg 465		
10 CSR 70-5.040	Soil and Water Districts Commission	28 MoReg 1369	28 MoReg 1916	29 MoReg 502	
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2156	29 MoReg 540	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2157	29 MoReg 540	
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2157	29 MoReg 540	
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2163	29 MoReg 540	
10 CSR 140-2.020	Division of Energy				29 MoReg 415
10 CSR 140-2.030	Division of Energy				29 MoReg 415
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.020	Adjutant General		29 MoReg 658		
11 CSR 10-11.070	Adjutant General		29 MoReg 658		
11 CSR 10-11.080	Adjutant General		29 MoReg 659		
11 CSR 10-11.100	Adjutant General		29 MoReg 659		
11 CSR 10-11.110	Adjutant General		29 MoReg 659		
11 CSR 10-11.120	Adjutant General		29 MoReg 660		
11 CSR 10-11.210	Adjutant General		29 MoReg 660		
11 CSR 45-1.020	Missouri Gaming Commission		29 MoReg 390		
11 CSR 45-4.260	Missouri Gaming Commission		29 MoReg 535		
11 CSR 45-5.200	Missouri Gaming Commission		29 MoReg 535		
11 CSR 45-6.030	Missouri Gaming Commission		28 MoReg 2241	29 MoReg 541W	
11 CSR 45-10.030	Missouri Gaming Commission		29 MoReg 390		
11 CSR 50-2.400	Missouri State Highway Patrol		29 MoReg 390		
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		29 MoReg 43		
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		29 MoReg 43		
11 CSR 75-13.030	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-13.060	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-14.030	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-16.010	Peace Officer Standards and Training Program		29 MoReg 311		
11 CSR 80-5.010	Missouri State Water Patrol		28 MoReg 2243	29 MoReg 502	
11 CSR 80-9.010	Missouri State Water Patrol		29 MoReg 44	29 MoReg 678	
DEPARTMENT OF REVENUE					
12 CSR 10-2.055	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-2.060	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-2.235	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-7.180	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-7.210	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-7.220	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-7.290	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-7.310	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-7.330	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-23.424	Director of Revenue		28 MoReg 2032	29 MoReg 412	
12 CSR 10-23.460	Director of Revenue		28 MoReg 2248	29 MoReg 542	
12 CSR 10-24.040	Director of Revenue		28 MoReg 2032	29 MoReg 412	
12 CSR 10-24.200	Director of Revenue		28 MoReg 2033	29 MoReg 412	
12 CSR 10-24.450	Director of Revenue		28 MoReg 2034R	29 MoReg 412R	
12 CSR 10-41.010	Director of Revenue	28 MoReg 2207	29 MoReg 90	29 MoReg 679	
12 CSR 30-4.010	State Tax Commission		29 MoReg 206		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-80.010	Children's Division	29 MoReg 261	29 MoReg 311		
13 CSR 35-80.020	Children's Division	29 MoReg 262	29 MoReg 314		
13 CSR 40-2.310	Division of Family Services	28 MoReg 1421	28 MoReg 1423 29 MoReg 392		
13 CSR 40-2.380	Division of Family Services	28 MoReg 1421	28 MoReg 1423 29 MoReg 392		
13 CSR 40-19.020	Family Support Division	28 MoReg 1892	28 MoReg 1916	29 MoReg 542	
13 CSR 70-3.120	Division of Medical Services		28 MoReg 2248		
13 CSR 70-10.015	Division of Medical Services	28 MoReg 1894 28 MoReg 1985T	28 MoReg 1918	29 MoReg 543	
			This Issue		
13 CSR 70-10.080	Division of Medical Services	28 MoReg 1897 28 MoReg 1985T	28 MoReg 1924	29 MoReg 543	
13 CSR 70-10.110	Division of Medical Services	28 MoReg 1898 28 MoReg 1985T	28 MoReg 1926	29 MoReg 543	
13 CSR 70-15.010	Division of Medical Services		29 MoReg 393		
13 CSR 70-15.180	Division of Medical Services		28 MoReg 2249		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 2163	29 MoReg 503	
13 CSR 70-90.010	Division of Medical Services		29 MoReg 317		
13 CSR 70-91.010	Division of Medical Services		29 MoReg 317		
13 CSR 70-91.030	Division of Medical Services		29 MoReg 326		
13 CSR 70-95.010	Division of Medical Services		29 MoReg 326		
13 CSR 70-98.010	Division of Medical Services		28 MoReg 1111		
13 CSR 70-98.015	Division of Medical Services		28 MoReg 2253		
13 CSR 70-98.020	Division of Medical Services		29 MoReg 327		
ELECTED OFFICIALS					
15 CSR 30-1.010	Secretary of State		28 MoReg 2034R 28 MoReg 2034	29 MoReg 679R 29 MoReg 679	
15 CSR 30-8.020	Secretary of State		28 MoReg 1928	29 MoReg 543	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-8.030	Secretary of State		28 MoReg 1928	29 MoReg 543	
15 CSR 30-12.010	Secretary of State		28 MoReg 1931	29 MoReg 543	
15 CSR 30-45.040	Secretary of State		28 MoReg 2037R	29 MoReg 413R	
			28 MoReg 2038	29 MoReg 413	
		28 MoReg 1626	28 MoReg 1674	29 MoReg 100	
15 CSR 30-51.171	Secretary of State		29 MoReg 400		
15 CSR 30-51.175	Secretary of State		29 MoReg 480		
15 CSR 30-54.175	Secretary of State	28 MoReg 1985	28 MoReg 2041	29 MoReg 413	
15 CSR 30-54.230	Secretary of State		28 MoReg 2041R	29 MoReg 413R	
15 CSR 30-54.240	Secretary of State		28 MoReg 2041R	29 MoReg 413R	
15 CSR 30-54.280	Secretary of State		28 MoReg 2042R	29 MoReg 413R	
15 CSR 30-55.110	Secretary of State	28 MoReg 1659	28 MoReg 1705	29 MoReg 112	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-4.060	Division of Senior Services	28 MoReg 1756	28 MoReg 1837	29 MoReg 116	
19 CSR 20-28.010	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 1933	29 MoReg 503	
19 CSR 25-30.051	Division of Administration		29 MoReg 328		
19 CSR 25-33.010	Division of Administration		28 MoReg 2163	29 MoReg 503	
19 CSR 25-34.010	Division of Administration		28 MoReg 2164R	29 MoReg 504R	
			28 MoReg 2164	29 MoReg 504	
19 CSR 30-82.015	Division of Health Standards and Licensure	28 MoReg 1756	28 MoReg 1837	29 MoReg 116	
19 CSR 30-82.060	Division of Health Standards and Licensure	28 MoReg 1986	28 MoReg 2042	29 MoReg 414	
19 CSR 30-82.080	Division of Health Standards and Licensure	28 MoReg 1757	28 MoReg 1838	29 MoReg 116	
19 CSR 30-82.090	Division of Health Standards and Licensure		28 MoReg 2254		
19 CSR 30-83.010	Division of Health Standards and Licensure	28 MoReg 1758	28 MoReg 1839	29 MoReg 116	
19 CSR 30-85.042	Division of Health Standards and Licensure	28 MoReg 1758	28 MoReg 1839	29 MoReg 117	
19 CSR 30-86.042	Division of Health Standards and Licensure	28 MoReg 1759	28 MoReg 1839	29 MoReg 117	
19 CSR 30-88.010	Division of Health Standards and Licensure		29 MoReg 536		
19 CSR 60-50	Missouri Health Facilities Review Committee				29 MoReg 226 29 MoReg 680
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				27 MoReg 415 28 MoReg 489 29 MoReg 505
20 CSR	Sovereign Immunity Limits				27 MoReg 41 27 MoReg 2319 28 MoReg 2265
20 CSR 10-1.020	General Administration		28 MoReg 1937	29 MoReg 504	
20 CSR 400-1.160	Life, Annuities and Health		29 MoReg 538		
20 CSR 400-7.095	Life, Annuities and Health		29 MoReg 328		
20 CSR 400-7.200	Life, Annuities and Health		28 MoReg 1715 29 MoReg 539		
20 CSR 500-6.700	Property and Casualty				This Issue
20 CSR 600-1.020	Statistical Reporting		29 MoReg 207		This Issue
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-1.010	Health Care Plan		29 MoReg 208		
22 CSR 10-1.020	Health Care Plan		29 MoReg 208		
22 CSR 10-2.010	Health Care Plan		29 MoReg 209		
22 CSR 10-2.020	Health Care Plan	29 MoReg 87	29 MoReg 209		
22 CSR 10-2.080	Health Care Plan		29 MoReg 210		

Emergency Rules in Effect as of May 3, 2004

Publication

Expires

Department of Agriculture

Animal Health

- 2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri . . . 29 MoReg 571August 27, 2004
2 CSR 30-2.040 Animal Health Requirements for Exhibition 29 MoReg 572August 27, 2004
2 CSR 30-3.020 Brucellosis Quarantine Requirements on Cattle 29 MoReg 573August 27, 2004
2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian 29 MoReg 573August 27, 2004

Weights and Measures

- 2 CSR 90-11.010 ANSI K61.1, Safety Requirements for the Storage and
Handling of Anhydrous Ammonia 28 MoReg 2207May 12, 2004

Department of Economic Development

Public Service Commission

- 4 CSR 240-32.200 General Provisions for the Assignment, Provision and
Termination of 211 Service 29 MoReg 459September 10, 2004

Department of Revenue

Director of Revenue

- 12 CSR 10-41.010 Annual Adjusted Rate of Interest 20 MoReg 2207June 28, 2004

Department of Social Services

Children's Division

- 13 CSR 35-80.010 Residential Foster Care Maintenance Methodology 29 MoReg 261July 23, 2004
13 CSR 35-80.020 Residential Care Agency Cost Reporting System 29 MoReg 262July 23, 2004

Missouri Consolidated Health Care Plan

Health Care Plan

- 22 CSR 10-2.020 Membership Agreement and Participation Period 29 MoReg 87June 29, 2004

**Executive
Orders****Subject Matter****Filed Date****Publication****2004**

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533

2003

03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556
03-09	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily suspends enforcement of environmental rules due to the May 4th [et al.] tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
03-17	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
03-18	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
03-19	Creates the Public Safety Communications Committee	December 10, 2003	29 MoReg 9
03-20	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12
03-21	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
03-22	Establishes the Missouri Sexual Offender Registration Task Force	December 10, 2003	29 MoReg 14
03-23	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
03-24	Establishes the Governor's Commission on Hispanic Affairs	November 8, 2003	28 MoReg 2085
03-25	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
03-26	Reestablishes the Office of Information Technology as the mechanism for coordinating information technology initiatives for the state	December 10, 2003	29 MoReg 21
03-27	Use of Missouri products and services	December 2, 2003	28 MoReg 2209

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, STATE BOARD OF

certificates, permits, temporary; 4 CSR 10-2.021; 12/1/03, 4/15/04
clients, responsibilities to; 4 CSR 10-3.040; 12/1/03, 4/15/04
complaints; 4 CSR 10-1.030; 12/1/03, 4/15/04
continuing education requirements
documentation; 4 CSR 10-4.031; 12/1/03, 4/15/04
effective dates; 4 CSR 10-4.010; 12/1/03, 4/15/04
evidence, reporting and supporting; 4 CSR 10-4.050; 12/1/03, 4/15/04
exceptions, waivers; 4 CSR 10-4.041; 12/1/03, 4/15/04
hours, measurement; 4 CSR 10-4.040; 12/1/03, 4/15/04
programs, qualifying; 4 CSR 10-4.020; 12/1/03, 4/15/04
subjects, qualifying; 4 CSR 10-4.030; 12/1/03, 4/15/04
CPA certificate, eligibility; 4 CSR 10-2.010; 12/1/03, 4/15/04
definitions; 4 CSR 10-2.005; 12/1/03, 4/15/04
resident of this state; 4 CSR 10-2.042; 12/1/03, 4/15/04
display of permits; 4 CSR 10-2.115; 12/1/03, 4/15/04
ethics rules, purpose; 4 CSR 10-3.010; 12/1/03, 4/15/04
evidence of work experience; 4 CSR 10-2.062; 12/1/03, 4/15/04
examination
application for; 4 CSR 10-2.130; 12/1/03, 4/15/04
eligibility for; 4 CSR 10-2.041; 12/1/03, 4/15/04
ethics; 4 CSR 10-2.120; 12/1/03, 4/15/04
granting of credit for; 4 CSR 10-2.140; 12/1/03, 4/15/04
procedures; 4 CSR 10-2.150; 12/1/03, 4/15/04
requirements to satisfy within 60 days; 4 CSR 10-2.135; 12/1/03, 4/15/04
fees; 4 CSR 10-2.160; 12/1/03, 4/15/04
hearings, peer review; 4 CSR 10-2.180; 12/1/03, 4/15/04
independence, integrity, objectivity; 4 CSR 10-3.020; 12/1/03, 4/15/04
licenses
reinstatement of; 4 CSR 10-2.075; 12/1/03, 4/15/04
renewal; 4 CSR 10-2.070; 12/1/03, 4/15/04
requirements for initial; 4 CSR 10-2.061; 12/1/03, 4/15/04
organization; 4 CSR 10-1.010; 12/1/03, 4/15/04
ownership of CPA firms; 4 CSR 10-2.095; 12/1/03, 4/15/04
peer review; 4 CSR 10-2.210; 12/1/03, 4/15/04
administration; 4 CSR 10-5.100; 12/1/03, 5/3/04
firms subject to; 4 CSR 10-5.080; 12/1/03, 5/3/04
oversight; 4 CSR 10-5.110; 12/1/03, 5/3/04
renewal of firm permit; 4 CSR 10-5.090; 12/1/03, 5/3/04
standards; 4 CSR 10-5.070; 12/1/03, 5/3/04
permit renewal, accounting firm; 4 CSR 10-2.072; 12/1/03, 4/15/04
reciprocity; 4 CSR 10-2.030; 12/1/03, 4/15/04
registration
each office; 4 CSR 10-2.111; 12/1/03, 4/15/04
firms; 4 CSR 10-2.051; 12/1/03, 4/15/04
governmental offices; 4 CSR 10-2.112; 12/1/03, 4/15/04
release of information; 4 CSR 10-1.040; 12/1/03, 4/15/04
requirements to be accredited; 4 CSR 10-2.215; 12/1/03, 4/15/04
resident manager; 4 CSR 10-2.101; 12/1/03, 4/15/04
responsibilities, practices; 4 CSR 10-3.060; 12/1/03, 4/15/04
standards, competence, technical; 4 CSR 10-3.030; 12/1/03, 4/15/04
subpoenas; 4 CSR 10-2.190; 12/1/03, 4/15/04
use of the title certified public accountant; 4 CSR 10-2.200; 12/1/03, 4/15/04

ACUPUNCTURIST ADVISORY COMMITTEE

fees; 4 CSR 15-1.030; 4/15/04
license renewal; 4 CSR 15-2.020; 4/15/04
standards of practice; 4 CSR 15-3.010; 4/15/04
supervision of trainees; 4 CSR 15-4.020; 4/15/04

ADJUTANT GENERAL

assistance
individual; 11 CSR 10-11.080; 4/15/04
political subdivision; 11 CSR 10-11.070; 4/15/04
disasters, major; 11 CSR 10-11.100; 4/15/04
inspectors, volunteers; 11 CSR 10-11.120; 4/15/04
limitations; 11 CSR 10-11.110; 4/15/04
organization, MERC; 11 CSR 10-11.210; 4/15/04
resources management plan; 11 CSR 10-11.020; 4/15/04
veteran's recognition program; 11 CSR 10-5.010; 9/2/03, 1/2/04

ADMINISTRATION, OFFICE OF

retirement policy; 1 CSR 10-18.010; 9/2/03, 10/1/03, 1/15/04

AGRICULTURE, DEPARTMENT OF

laboratory services, fees; 2 CSR 30-1.020; 4/15/04
organization; 2 CSR 30-1.010; 4/15/04

AIR QUALITY, POLLUTION

control of petroleum liquid storage, loading, transfer; 10 CSR 10-2.260; 9/15/03, 3/1/04
emissions
sulfur compounds; 10 CSR 10-6.260; 11/3/03, 4/15/04

ALCOHOL AND TOBACCO CONTROL, DIVISION OF

licensees; 11 CSR 70-2.140; 1/2/04
retail; 11 CSR 70-2.120; 1/2/04

ANIMAL FACILITIES

loan guarantee program; 2 CSR 100-6.010; 10/15/03, 2/17/04

ANIMAL HEALTH

brucellosis, quarantine, calves; 2 CSR 30-3.020; 4/15/04
duties, market sale veterinarian; 2 CSR 30-6.020; 4/15/04
exhibition, requirements; 2 CSR 30-2.040; 4/15/04
livestock, poultry, exotic animals
movement within Missouri; 2 CSR 30-2.020; 4/15/04

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

architects
continuing education; 4 CSR 30-11.025; 4/15/04
evaluation; 4 CSR 30-4.060; 10/15/03, 2/2/04
seals; 4 CSR 30-3.020; 9/2/03, 1/15/04
engineers
seals; 4 CSR 30-3.030; 9/2/03, 1/15/04
fees; 4 CSR 30-6.015; 10/15/03, 2/2/04
reexamination; 4 CSR 30-6.020; 10/15/03, 2/2/04
landscape architect
admission to exam; 4 CSR 30-5.150; 10/15/03, 2/2/04
CLARB examination; 4 CSR 30-5.140; 10/15/03, 2/2/04
evaluation; 4 CSR 30-4.090; 10/15/03, 2/2/04
seals; 4 CSR 30-3.050; 9/2/03, 1/15/04
land surveyors
seals; 4 CSR 30-3.040; 9/2/03, 1/15/04
seal, license; 4 CSR 30-3.060; 9/2/03, 1/15/04
standards; 4 CSR 30-2.040; 4/15/04

ASBESTOS

abatement projects; 10 CSR 10-6.240, 10 CSR 10-6.241; 2/17/04
certification; 10 CSR 10-6.250; 2/17/04

ASSISTIVE TECHNOLOGY

loan program; 8 CSR 70-1.020; 3/15/04
telecommunications access; 8 CSR 70-1.010; 3/15/04

BARBER EXAMINERS, STATE BOARD OF

reinstatement of expired license; 4 CSR 60-1.040; 9/2/03, 12/15/03
sanitation rules; 4 CSR 60-4.015; 9/2/03, 12/15/03

BINGO

duty to report, licensee; 11 CSR 45-30.550; 6/16/03, 12/1/03
paraphernalia, approval; 11 CSR 45-30.540; 6/16/03, 12/1/03

BLOOD ALCOHOL CONTENT

standard simulator solutions; 19 CSR 25-30.051; 2/17/04

BOATER SAFETY EDUCATION

mandatory program; 11 CSR 80-9.010; 1/2/04, 4/15/04

BOLL WEEVIL ERADICATION

program participation, fee, penalties; 2 CSR 70-13.030; 9/15/03, 2/17/04

CERTIFICATE OF NEED PROGRAM

criteria and standards
 long-term care; 19 CSR 60-50.450; 2/2/04
definitions; 19 CSR 60-50.300; 2/2/04
letter of intent
 process; 19 CSR 60-50.400; 2/2/04
review process; 19 CSR 60-50.420; 2/2/04

CHILDREN'S DIVISION

residential care cost reporting system; 13 CSR 35-80.020; 2/17/04
residential foster care maintenance methodology; 13 CSR 35-80.010; 2/17/04

CHIROPRACTIC EXAMINERS, BOARD OF

adjunctive procedures; 4 CSR 70-2.030; 9/2/03, 12/15/03
application for licensure; 4 CSR 70-2.040; 9/2/03, 12/15/03
colleges, board approved; 4 CSR 70-2.045; 9/2/03, 12/15/03
complaint handling and disposition; 4 CSR 70-2.065; 9/2/03, 12/15/03
corporations, professional; 4 CSR 70-2.100; 9/2/03, 12/15/03
diagnostic procedures, instruments; 4 CSR 70-2.020; 9/2/03, 12/15/03
education; renewal and postgraduate; 4 CSR 70-4.030; 1/15/04, 5/3/04
examinations; 4 CSR 70-2.050; 9/2/03, 12/15/03
fees; 4 CSR 70-2.090; 9/2/03, 12/15/03
insurance consultant; 4 CSR 70-4.010; 1/15/04, 5/3/04
license renewal, biennial; 4 CSR 70-2.080; 9/2/03, 12/15/03
meridian therapy, acupressure, acupuncture; 4 CSR 70-2.031; 5/3/04
organization; 4 CSR 70-1.010; 9/2/03, 12/15/03
postgraduate education; 4 CSR 70-2.081; 9/2/03, 12/15/03
preceptorship; 4 CSR 70-3.010; 9/2/03, 12/15/03
professional conduct rules; 4 CSR 70-2.060; 9/2/03, 12/15/03
reciprocity; 4 CSR 70-2.070; 9/2/03, 12/15/03

CLEAN WATER COMMISSION

impaired waterbody list; 10 CSR 20-7.050; 12/15/03
permit, construction and operating; 10 CSR 20-6.010; 6/16/03, 12/1/03

CONSERVATION COMMISSION

black bass; 3 CSR 10-6.505; 11/17/03, 2/2/04
boats and motors
 use of; 3 CSR 10-12.110; 11/17/03, 2/2/04
breeders, wildlife; 3 CSR 10-9.353; 2/2/04, 4/15/04
bullfrogs, green frogs; 3 CSR 10-12.115; 11/17/03, 2/2/04
cable restraint permit, resident; 3 CSR 10-5.375; 11/17/03, 2/2/04
catfish; 3 CSR 10-6.510; 11/17/03, 2/2/04
commercial fishing; 3 CSR 10-10.725; 2/2/04, 5/3/04
definitions; 3 CSR 10-20.805; 11/17/03, 2/2/04, 4/15/04

dog training area; 3 CSR 10-9.628; 11/17/03, 2/2/04
field trial permit; 3 CSR 10-9.625; 11/17/03, 2/2/04
fishing
 commercial permit; 3 CSR 10-10.720; 11/17/03, 2/2/04
 daily and possession limits;
 3 CSR 10-11.210; 11/17/03, 2/2/04;
 3 CSR 10-12.140; 11/17/03, 2/2/04
 hours and methods; 3 CSR 10-11.205; 11/17/03, 2/2/04
 length limits; 3 CSR 10-11.215, 3 CSR 10-12.145; 11/17/03, 2/2/04
 methods; 3 CSR 10-12.135; 11/17/03, 2/2/04
 permit, daily; 3 CSR 10-5.440; 11/17/03, 2/2/04
 permits, resident; 3 CSR 10-5.340; 11/17/03, 2/2/04
 lifetime conservation partner; 3 CSR 10-5.310; 11/17/03, 2/2/04
furbearers, trapping seasons; 3 CSR 10-8.515; 11/17/03, 2/2/04
 nonresident hunting, trapping permit; 3 CSR 10-5.570; 11/17/03, 2/2/04
hound dog running area; 3 CSR 10-5.470; 11/17/03, 2/2/04
 privileges, requirements; 3 CSR 10-9.575; 11/17/03, 2/2/04
hunting
 furbearers; 3 CSR 10-7.450; 11/17/03, 2/2/04
 general provisions; 3 CSR 10-11.180; 11/17/03, 2/2/04
 methods; 3 CSR 10-7.410; 11/17/03, 2/2/04
 provisions, seasons; 3 CSR 10-11.180; 11/17/03, 2/2/04
hunting, trapping; 3 CSR 10-12.125; 11/17/03, 2/2/04
licensed hunting preserve; 3 CSR 10-9.565; 11/17/03, 2/2/04, 4/15/04
other fish; 3 CSR 10-6.550; 2/2/04, 5/3/04
paddlefish; 3 CSR 10-6.525; 11/17/03, 2/2/04
permit, firearms
 obtained, not transferable; 3 CSR 10-5.215; 11/17/03, 2/2/04
 nonresident firearms
 required, exceptions; 3 CSR 10-5.205; 11/17/03, 2/2/04
permit, hunting and fishing; 3 CSR 10-5.330; 11/17/03, 2/2/04
prohibitions, general;
 3 CSR 10-9.110; 11/17/03, 2/2/04;
 3 CSR 10-4.110; 11/17/03, 2/2/04
provisions, general; 3 CSR 10-7.405; 11/17/03, 2/2/04
restricted zones; 3 CSR 10-6.415; 11/17/03, 2/2/04
rock bass, warmouth; 3 CSR 10-6.530; 11/17/03, 2/2/04
sale, possession of wildlife parts; 3 CSR 10-10.768; 11/17/03, 2/2/04
small game permit; 3 CSR 10-5.320; 11/17/03, 2/2/04
 daily; 3 CSR 10-5.445; 11/17/03, 2/2/04
 resident; 3 CSR 10-5.345; 11/17/03, 2/2/04
squirrels; 3 CSR 10-7.425; 11/17/03, 2/2/04
sturgeon; 3 CSR 10-6.533; 2/2/04, 5/3/04
 commercial harvest permit; 3 CSR 10-10.722; 2/2/04, 5/3/04
taxidermy; 3 CSR 10-10.767; 11/17/03, 2/2/04
turkey; 3 CSR 10-7.455; 12/1/03, 2/2/04, 2/17/04
 resident hunting permit; 3 CSR 10-5.365; 11/17/03, 2/2/04
 seasons; 3 CSR 10-7.455; 11/17/03
use of traps; 3 CSR 10-8.510; 11/17/03, 2/2/04;
 3 CSR 10-8.505; 12/1/03, 2/17/04
wildlife confinement standards; 3 CSR 10-9.220; 12/15/03, 3/1/04
youth deer and turkey hunting permit; 3 CSR 10-5.420; 11/17/03, 2/2/04

COSMETOLOGY, STATE BOARD OF

apprentices; 4 CSR 90-5.010; 12/1/03, 3/15/04
fees; 4 CSR 90-13.010; 12/1/03, 3/15/04
license, reinstatement; 4 CSR 90-12.070; 12/1/03, 3/15/04
reciprocity; 4 CSR 90-7.010; 12/1/03, 3/15/04
registration, instructor trainees; 4 CSR 90-12.020; 12/1/03, 3/15/04
sanitation; 4 CSR 90-11.010; 12/1/03, 3/15/04

students; 4 CSR 90-3.010; 12/1/03, 3/15/04
training hours; 4 CSR 90-8.010; 12/1/03, 3/15/04
violations; 4 CSR 90-10.010; 12/1/03, 3/15/04

DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE

application; 5 CSR 100-200.050; 12/15/03
certification
 maintenance; 5 CSR 100-200.130; 12/15/03
 renewal; 5 CSR 100-200.125; 12/15/03
 restricted; 5 CSR 100-200.040; 12/15/03
 system; 5 CSR 100-200.030; 12/15/03
conversion procedures; 5 CSR 100-200.100; 12/15/03
fees; 5 CSR 100-200.150; 12/15/03
grievance procedure, appeal rights; 5 CSR 100-200.180; 12/15/03
name and address change; 5 CSR 100-200.140; 12/15/03
organization; 5 CSR 100-200.010; 12/15/03
performance test, evaluation; 5 CSR 100-200.070; 12/15/03
provisional restricted certification; 5 CSR 100-200.045; 9/15/03, 1/15/04
reinstatement; 5 CSR 100-200.210; 12/15/03
skill level standards; 5 CSR 100-200.170; 12/15/03
voluntary recertification; 5 CSR 100-200.075; 12/15/03
written test; 5 CSR 100-200.060; 12/15/03

DENTAL BOARD, MISSOURI

committee administrator; 4 CSR 110-3.050; 4/15/04
confidentiality; 4 CSR 110-3.040; 4/15/04
definitions; 4 CSR 110-3.010; 4/15/04
dental hygienists; 4 CSR 110-2.130; 1/15/04
membership, organization; 4 CSR 110-3.020; 4/15/04
well being committee, contractor; 4 CSR 110-3.030; 4/15/04

DRINKING WATER, PUBLIC PROGRAM

procedures for analysis; 10 CSR 60-5.010; 3/15/04

DRIVERS LICENSE BUREAU RULES

classes; 12 CSR 10-24.200; 11/17/03, 3/1/04
commercial driver instruction permit; 12 CSR 10-24.390; 8/1/03, 11/17/03
complaints; 12 CSR 10-26.120; 10/1/03, 1/15/04
driver license; 12 CSR 10-24.430; 10/1/03, 1/15/04
DWI rehabilitation program; 12 CSR 10-24.040; 11/17/03, 3/1/04
expiration dates, staggering; 12 CSR 10-24.450; 11/17/03, 3/1/04
school bus permits; 12 CSR 10-24.385; 8/1/03, 11/17/03
vision test guidelines; 12 CSR 10-24.090; 10/1/03, 1/15/04

ELEMENTARY AND SECONDARY EDUCATION

application, certificate to teach; 5 CSR 80-800.200; 10/15/03, 3/15/04
 administrators; 5 CSR 80-800.220; 10/15/03, 3/15/04
 adult education, literacy; 5 CSR 80-800.280; 10/15/03, 3/15/04
 classifications; 5 CSR 80-800.360; 10/15/03, 3/15/04
 content areas; 5 CSR 80-800.350; 10/15/03, 3/15/04
 discipline and denial; 5 CSR 80-800.300; 10/15/03, 3/15/04
 student services; 5 CSR 80-800.230; 10/15/03, 3/15/04
 substitute; 5 CSR 80-800.290; 10/15/03, 3/15/04
 temporary authorization; 5 CSR 80-800.260; 10/15/03, 3/15/04
 vocational-technical certificate; 5 CSR 80-800.270; 10/15/03, 3/15/04
assessments, required; 5 CSR 80-800.380; 10/15/03, 3/15/04
background clearance; 5 CSR 80-800.400; 10/15/03, 3/15/04
fees; 5 CSR 80-800.370; 10/15/03, 3/15/04
incentives, school excellence program; 5 CSR 50-310.010; 6/2/03, 10/1/03
Individuals with Disabilities Education Act
 Part B; 5 CSR 70-742.140; 2/17/04
 Part C; 5 CSR 70-742.141; 2/17/04

personal care assistance program
 definitions; 5 CSR 90-7.010; 10/15/03, 3/15/04
 eligibility; 5 CSR 90-7.100; 10/15/03, 3/15/04
 hearings; 5 CSR 90-7.320; 10/15/03, 3/15/04
 providers; 5 CSR 90-7.200; 10/15/03, 3/15/04

EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD

charges, written statement; 4 CSR 120-2.080; 2/2/04
compensation, board member; 4 CSR 120-1.020; 2/2/04
complaint handling, disposition procedure; 4 CSR 120-2.110; 2/2/04
complaints against board members; 4 CSR 120-2.115; 2/2/04
crematory area; 4 CSR 120-2.071; 2/2/04
definitions; 4 CSR 120-1.040; 2/2/04
establishments, funeral; 4 CSR 120-2.070; 2/2/04
fees; 4 CSR 120-2.100; 2/2/04
funeral directing; 4 CSR 120-2.060; 2/2/04
license, biennial
 by reciprocity; 4 CSR 120-2.040; 2/2/04
 registration with local registrars; 4 CSR 120-2.030; 2/2/04
 renewal; 4 CSR 120-2.020; 2/2/04
 retired; 4 CSR 120-2.022; 2/2/04
organization; 4 CSR 120-1.010; 2/2/04
preparation rooms; 4 CSR 120-2.090; 2/2/04
registration, apprenticeship; 4 CSR 120-2.010; 2/2/04
rules, miscellaneous; 4 CSR 120-2.050; 2/2/04

ENERGY ASSISTANCE

low income program; 13 CSR 40-19.020; 11/3/03; 4/1/04

EXECUTIVE ORDERS

Automotive Partnership; 04-03; 2/2/04
committee to end chronic homelessness; 03-17; 11/3/03
Communications Committee, Public Safety; 03-19; 1/2/04
cyber security policies and procedures; 03-25; 1/2/04
Governor's Council on Disability and Assistive Technology Council
 transfers to Office of Administration; 04-08; 2/17/04
Hispanic Affairs, Commission on; 03-24; 12/15/03
holiday schedule, state offices; 03-21; 11/17/03
Information Technology, Office of; 03-26; 1/2/04
Medal of Valor; 04-01; 2/17/04
Methamphetamine Education and Prevention Task Force; 04-04 2/2/04
Methamphetamine Enforcement and Environmental Protection Task Force; 04-06; 2/2/04
Methamphetamine Treatment Task Force; 04-05; 2/2/04
Patient Safety, Commission on; 03-16; 10/15/03
Patient Safety, Commission on; 04-07; 2/17/04
Sexual Offender Registration Task Force; 03-22; 1/2/04
small business regulatory fairness board; 03-15; 10/1/03
State Citizen Council added to the Disaster Recovery Partnership; 03-23; 1/2/04
state communications, Mo Highway Patrol as lead agency; 03-18; 1/2/04
supervisory authority; 03-08; 9/15/03
supervisory authority; 04-02; 2/17/04
two-way radios, interoperability channels; 03-20; 1/2/04
Use of Missouri products and services; 03-27; 12/15/03
vendors and procurement; 04-09; 4/1/04

FACILITIES MANAGEMENT, DIVISION OF

leasing, administration; 1 CSR 35-2.030; 11/17/03, 3/1/04
public use of state facilities; 1 CSR 35-1.050; 11/17/03, 3/1/04

FAMILY SUPPORT, DIVISION OF

grandparents as foster parents; 13 CSR 40-2.380; 8/15/03, 3/1/04
temporary assistance, aliens; 13 CSR 40-2.310; 8/15/03, 3/1/04

GAMING COMMISSION, MISSOURI

commission meetings; 11 CSR 45-1.020; 3/1/04

disciplinary action; 11 CSR 45-13.050; 8/1/03, 1/2/04
 duty to report and prevent misconduct; 11 CSR 45-10.030; 3/1/04
 hearings; 11 CSR 45-13.010; 8/1/03, 1/2/04
 bingo hearings; 11 CSR 45-13.051; 8/1/03, 1/2/04
 gaming applicants; 11 CSR 45-13.045; 8/1/03, 1/2/04
 officer; 11 CSR 45-13.020; 8/1/03, 1/2/04
 proceedings; 11 CSR 45-13.060; 8/1/03, 1/2/04
 prohibition on ex parte communications; 11 CSR 45-13.080;
 8/1/03, 1/2/04
 request for hearings; 11 CSR 45-13.030; 8/1/03, 1/2/04
 transmittal of record; 11 CSR 45-13.070; 8/1/03, 1/2/04
 licenses, occupational; 11 CSR 45-4.260; 4/1/04
 minimum internal control standards; 11 CSR 45-9.030; 6/16/03,
 12/1/03
 slot machines; 11 CSR 45-5.200; 4/1/04
 weapons on the riverboat; 11 CSR 45-6.030; 12/15/03; 4/1/04

HEALING ARTS, BOARD OF REGISTRATION FOR

fees, 4 CSR 150-2.080; 9/2/03, 12/15/03

HEALTH CARE PLAN, MISSOURI CONSOLIDATED
 definitions; 22 CSR 10-2.010; 2/2/04
 membership agreement, participation period; 22 CSR 10-2.020;
 1/15/04, 2/2/04
 organization; 22 CSR 10-1.010; 2/2/04
 provisions, miscellaneous; 22 CSR 10-2.080; 2/2/04
 records, public; 22 CSR 10-1.020; 2/2/04

HEALTH MAINTENANCE ORGANIZATIONS
 definitions; 19 CSR 10-5.010; 10/15/03, 2/2/04

HEARING INSTRUMENT SPECIALISTS
 permit, temporary; 4 CSR 165-2.010; 4/15/04

HIGHWAYS AND TRANSPORTATION COMMISSION
 arbitration proceeding; 7 CSR 10-26.010; 12/15/03
 mediation; 7 CSR 10-26.020; 12/15/03
 subpoenas; 7 CSR 10-1.020; 3/1/04

HOME HEALTH AGENCY
 hiring restrictions; 19 CSR 30-82.060; 11/17/03, 3/1/04

IMMUNIZATIONS
 school children; 19 CSR 20-28.010; 11/3/03, 3/15/04

INSURANCE, DEPARTMENT OF
 continuing education; 20 CSR 700-3.200; 10/1/03, 1/15/04
 dram shop cost data reporting; 20 CSR 600-1.020; 2/2/04
 financial statement, diskette filing; 20 CSR 200-1.030; 10/1/03,
 1/15/04
 interpretation of referenced or adopted material;
 20 CSR 10-1.020; 11/3/03, 3/15/04
 HMO access plans; 20 CSR 400-7.095; 2/17/04
 medical malpractice award; 20 CSR; 3/1/02, 3/3/03, 3/15/04
 mortality table; 20 CSR 400-1.160; 4/1/04
 provider selection standards; 20 CSR 400-7.200; 4/1/04
 sovereign immunity limits; 20 CSR; 1/2/02, 12/16/02, 12/15/03
 who must file; 20 CSR 200-10.100; 10/1/03, 1/15/04
 valuation of invested assets; 20 CSR 200-1.025; 10/1/03, 1/15/04

INTERPRETERS, STATE COMMITTEE OF
 principles, general; 4 CSR 232-3.010; 10/15/03, 2/2/04

LABORATORIES
 HIV testing; 19 CSR 25-33.010; 12/1/03, 3/15/04
 syphilis testing; 19 CSR 25-34.010; 12/1/03, 3/15/04

LABOR STANDARDS, DIVISION OF
 definitions; 8 CSR 30-4.010; 11/17/03, 3/15/04
 organization; 8 CSR 30-1.010; 11/17/03, 3/15/04

wage rates; 8 CSR 30-4.020; 11/17/03, 3/15/04

LAND RECLAMATION COMMISSION
 performance requirements; 10 CSR 40-10.050; 2/2/04
 permit application requirements; 10 CSR 40-10.020; 2/2/04

LONG-TERM CARE, NURSING FACILITIES
 administration, resident care requirements
 intermediate care, skill nursing facilities; 19 CSR 30-85.042;
 10/15/03, 1/15/04
 residential care facilities I and II; 19 CSR 30-86.042;
 10/15/03, 1/15/04
 definitions; 19 CSR 30-83.010; 10/15/03, 1/15/04
 nursing facility quality of care improvement program;
 19 CSR 30-82.080; 10/15/03, 1/15/04
 receiverships; 19 CSR 30-82.015; 10/15/03, 1/15/04
 resident rights; 19 CSR 30-88.010; 4/1/04

MARKET DEVELOPMENT
 subscription fees; 2 CSR 10-2.010; 12/1/03, 3/15/04

MASSAGE, BOARD OF THERAPEUTIC
 application; 4 CSR 197-2.010; 1/2/04, 5/3/04
 fees; 4 CSR 197-1.040; 1/2/04, 5/3/04
 inspections, survey; 4 CSR 197-5.010; 1/2/04, 5/3/04
 license, business
 issuance of an original; 4 CSR 197-5.020; 1/2/04, 5/3/04
 renewal; 4 CSR 197-5.040; 1/2/04, 5/3/04
 license, individual
 provisional; 4 CSR 197-2.030; 1/2/04, 5/3/04
 renewal; 4 CSR 197-2.050; 1/2/04, 5/3/04
 name and address changes
 business; 4 CSR 197-5.030; 1/2/04, 5/3/04
 individual; 4 CSR 197-1.030; 1/2/04, 5/3/04
 standards of practice; 4 CSR 197-3.010; 1/2/04, 5/3/04

MEDICAL SERVICES, DIVISION OF
 documentation, social work programs; 13 CSR 70-98.015;
 12/15/03
 federal reimbursement allowance; 13 CSR 70-15.110; 10/15/03,
 2/2/04
 home health care services; 13 CSR 70-90.010; 2/17/04
 hospital services provided out-of-state; 13 CSR 70-15.180;
 12/15/03
 limitation on payment out-of-state; 13 CSR 70-3.120; 12/15/03
 payment of claims, Medicare Part B; 13 CSR 70-3.065; 2/18/03
 personal care
 assistance; 13 CSR 70-91.030; 2/17/04
 program; 13 CSR 70-91.010; 2/17/04
 prior authorization, non-pharmaceutical mental health services;
 13 CSR 70-98.020; 2/17/04
 private duty nurse; 13 CSR 70-95.010; 2/17/04
 reimbursement nursing services; 13 CSR 70-10.015; 11/3/03,
 11/17/03; 4/1/04, 5/3/04
 allowance; 13 CSR 70-10.110; 11/3/03, 11/17/03; 4/1/04
 HIV services; 13 CSR 70-10.080; 11/3/03, 11/17/03; 4/1/04
 reimbursement, out-of-state, outpatient; 13 CSR 70-15.010; 3/1/04
 Title XIX recipient lock-in program; 13 CSR 70-4.070; 9/2/03,
 1/2/04

MENTAL HEALTH, DEPARTMENT OF
 access crisis intervention programs; 9 CSR 30-4.195; 2/2/04
 background screening, employees, volunteers; 9 CSR 10-5.190;
 12/1/03, 3/15/04
 criminal record review; 9 CSR 10-5.190; 5/3/04
 exceptions committee procedures; 9 CSR 10-5.210; 12/1/03,
 3/15/04
 fire safety
 definitions; 9 CSR 45-5.105; 10/15/03, 3/15/04
 on-site day habilitation; 9 CSR 45-5.110; 10/15/03, 3/15/04

residential habilitation for
4-9 people; 9 CSR 45-5.130; 10/15/03, 3/15/04
10-16 people; 9 CSR 45-5.140; 10/15/03, 3/15/04
17 or more people; 9 CSR 45-5.150; 10/15/03, 3/15/04

SATOP

fees, supplemental; 9 CSR 30-3.208; 9/2/03, 2/2/04
program structure; 9 CSR 30-3.206; 9/2/03, 2/2/04

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 5/3/04

MOTOR VEHICLE

disabled person placard, issuance; 12 CSR 10-23.460; 12/15/03;
4/1/04
leasing company registration; 12 CSR 10-23.424; 11/17/03, 3/1/04

MOTOR VEHICLE INSPECTION

brake components; 11 CSR 50-2.160; 10/15/03, 2/2/04
definitions; 11 CSR 50-2.010; 10/15/03, 2/2/04
emission test procedures; 11 CSR 50-2.400; 3/1/04
glazing (glass); 11 CSR 50-2.270; 10/15/03, 2/2/04
inspection station
permits; 11 CSR 50-2.050; 10/15/03, 2/2/04
requirements; 11 CSR 50-2.020; 10/15/03, 2/2/04
off-highway use vehicles (ATV-OHV); 11 CSR 50-2.340; 10/15/03,
2/2/04
school bus inspection; 11 CSR 50-2.320; 10/15/03, 2/2/04
steering mechanisms; 11 CSR 50-2.200; 10/15/03, 2/2/04

NURSING, STATE BOARD OF

licensure; 4 CSR 200-4.020; 4/15/04

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

application; 4 CSR 205-3.030; 1/15/04, 5/3/04

OPTOMETRY, STATE BOARD OF

pharmaceutical agents; 4 CSR 210-2.080; 4/15/04
examination to use; 4 CSR 210-2.081; 4/15/04

PAYROLL DEDUCTIONS, STATE OF MISSOURI, VENDOR

dues, labor organizations; 1 CSR 10-4.010; 9/15/03

**PEACE OFFICER STANDARDS AND TRAINING
(POST) PROGRAM**

basic training curricula, objectives; 11 CSR 75-14.030; 2/17/04
cause to discipline; 11 CSR 75-13.090; 10/15/03, 2/2/04
fund, commission; 11 CSR 75-16.010; 2/17/04
peace officer licenses
upgrade procedures; 11 CSR 75-13.030; 2/17/04
point scale, veteran officer; 11 CSR 75-13.060; 2/17/04

PERSONNEL ADVISORY BOARD

appeals; 1 CSR 20-4.010; 4/15/04
broad classification for bands of managers; 1 CSR 20-2.015;
9/15/03, 1/15/04
leaves of absence; 1 CSR 20-5.020; 9/15/03, 1/15/04
separation, suspension, demotion; 1 CSR 20-3.070; 9/15/03,
1/15/04

PETROLEUM STORAGE TANK INSURANCE FUND

assessment, transport load fee; 10 CSR 100-3.010; 12/1/03; 4/1/04
definitions; 10 CSR 100-2.010; 12/1/03; 4/1/04
participation requirements
aboveground tanks; 10 CSR 100-4.020; 12/1/03; 4/1/04
underground tanks; 10 CSR 100-4.010; 12/1/03; 4/1/04

PHARMACY PROGRAM

reimbursement allowance; 13 CSR 70-20.320; 12/1/03, 3/15/04

PHARMACY, STATE BOARD OF

drug distributor; 4 CSR 220-5.020; 7/1/03, 12/1/03
education, continuing; 4 CSR 220-2.100; 5/3/04
records, confidentiality, disclosure; 4 CSR 220-2.300; 1/15/04

PSYCHOLOGISTS, STATE COMMITTEE OF

fees; 4 CSR 235-1.020; 4/15/04
license, renewal; 4 CSR 235-1.050; 4/15/04

PUBLIC DRINKING WATER PROGRAM

analysis, procedures; 10 CSR 60-5.010; 5/15/03, 12/1/03
contaminant levels
maximum; 10 CSR 60-4.010; 5/15/03, 12/1/03

PUBLIC SERVICE COMMISSION

211 services, termination; 4 CSR 240-32.200; 3/15/04, 4/15/04
billing practices, electric, gas, water
definitions; 4 CSR 240-13.015; 12/1/03, 3/1/04
denial of service; 4 CSR 240-13.035; 12/1/03, 4/15/04
billing practices, telecommunications residential customers
definitions; 4 CSR 240-33.020; 3/1/04
discontinuance of service; 4 CSR 240-33.070; 3/1/04
disputes; 4 CSR 240-33.080; 3/1/04
inquires, customers; 4 CSR 240-33.060; 3/1/04
minimum charges rule; 4 CSR 240-33.030; 3/1/04
provisions, general; 4 CSR 240-33.010; 3/1/04
standards for customers; 4 CSR 240-33.040; 3/1/04
caller ID blocking service
definitions; 4 CSR 240-32.180; 11/3/03, 12/15/03; 1/15/04,
2/17/04
standards; 4 CSR 240-32.190; 11/3/03, 12/15/03; 1/15/04,
2/17/04
complaint procedures; 4 CSR 240-33.110; 3/15/04
customer proprietary network information; 4 CSR 240-33.160;
5/3/04
definitions; 4 CSR 240-13.015; 5/3/04
dispute resolution, telecommunications
agreements; 4 CSR 240-36.050; 2/2/04
amendments to; 4 CSR 240-36.080; 2/2/04
arbitration; 4 CSR 240-36.040; 2/2/04
agreements; 4 CSR 240-36.050; 2/2/04
definitions; 4 CSR 240-36.010; 2/2/04
filing procedures; 4 CSR 240-36.020; 2/2/04
mediation; 4 CSR 240-36.030; 2/2/04
agreements; 4 CSR 240-36.060; 2/2/04
notice of agreement; 4 CSR 240-36.070; 2/2/04
electric utilities
annual report; 4 CSR 240-3.165; 12/15/03, 3/1/04
cogeneration tariff filings; 4 CSR 240-3.155; 9/2/03, 2/2/04
reporting requirements; 4 CSR 240-3.190; 11/17/03, 3/1/04
gas utilities
annual report; 4 CSR 240-3.245; 12/15/03, 3/1/04
petitions for infrastructure system replacement surcharges;
4 CSR 240-3.265; 11/3/03, 4/15/04
name changes, utility company; 4 CSR 240-3.020; 5/3/04
safety standards; 4 CSR 240-18.010; 11/17/03, 3/1/04
sewer utilities
annual report; 4 CSR 240-3.335; 12/15/03, 3/1/04
steam heating
annual report; 4 CSR 240-3.435; 12/15/03, 3/1/04
rate case procedure; 4 CSR 240-3.440; 11/3/03, 3/1/04
telecommunication companies
annual report; 4 CSR 240-3.540; 12/15/03, 3/1/04
bankruptcy procedures; 4 CSR 240-3.565; 5/3/04
ceasing operations, procedure; 4 CSR 240-3.560; 5/3/04
customer inquires; 4 CSR 240-3.555; 3/1/04
definitions; 4 CSR 240-3.500, 4 CSR 240-32.020; 12/1/03,
5/3/04
engineering, maintenance; 4 CSR 240-32.060; 12/1/03
filing requirements, applications
authority to acquire stock; 4 CSR 240-3.535; 5/3/04

authority to issue stock; 4 CSR 240-3.530; 5/3/04
 authority to merge; 4 CSR 240-3.525; 5/3/04
 authority to sell assets; 4 CSR 240-3.520; 5/3/04
 certificates of service authority; 4 CSR 240-3.510;
 5/3/04
 tariffs; 4 CSR 240-3.545; 3/1/04
 rate schedules; 4 CSR 240-3.545; 3/1/04
 quality of service; 4 CSR 240-32.070; 12/1/03, 5/3/04
 records, reports; 4 CSR 240-3.550; 12/1/03, 5/3/04
 service, surveillance; 4 CSR 240-32.080; 12/1/03, 5/3/04
 verification of change of service provider; 4 CSR 240-33.150;
 3/1/04
 water utilities
 annual report; 4 CSR 240-3.640; 12/15/03, 3/1/04
 petitions for infrastructure system replacement surcharges;
 4 CSR 240-3.650; 11/3/03, 4/15/04

REAL ESTATE COMMISSION

brokerage
 relationship confirmation; 4 CSR 250-8.096; 12/1/03, 3/15/04
 service agreements; 4 CSR 250-8.090; 12/1/03, 3/15/04
 broker disclosure form; 4 CSR 250-8.097; 12/1/03, 3/15/04
 license examinations; 4 CSR 250-3.020; 10/15/03, 2/2/04
 requirements; 4 CSR 250-10.010; 10/15/03, 2/2/04
 retention of records; 4 CSR 250-8.160; 10/15/03, 2/2/04

RECORDS MANAGEMENT

MHRAB regrant program; 15 CSR 30-45.040; 11/17/03, 3/1/04

RETIREMENT SYSTEMS

county employees' deferred compensation plan
 limitations on deferral; 16 CSR 50-20.050; 10/1/03, 1/15/04
 participation in the plan; 16 CSR 50-20.030; 10/1/03, 1/15/04
 non-teacher school employee retirement
 employment; 16 CSR 10-6.010; 10/1/03, 1/15/04
 reinstatement, credit purchases; 16 CSR 10-6.045; 10/1/03,
 1/15/04
 service retirement; 16 CSR 10-6.060; 10/1/03, 1/15/04
 public school retirement
 membership requirements; 16 CSR 10-4.005; 10/1/03,
 1/15/04
 payment for reinstatement, credit purchases;
 16 CSR 10-4.012; 10/1/03, 1/15/04
 reinstatement, credit purchases; 16 CSR 10-4.014; 10/1/03,
 1/15/04
 service retirement; 16 CSR 10-5.010; 10/1/03, 1/15/04

SECRETARY OF STATE

organization; 15 CSR 30-1.010; 11/17/03, 4/15/04

SECURITIES, DIVISION OF

application
 registration; 15 CSR 30-52.015; 10/1/03, 1/15/04
 registration or notice filings; 15 CSR 30-51.020; 10/1/03,
 1/15/04
 bank, savings institution, trust company; 15 CSR 30-54.030;
 10/1/03, 1/15/04
 compensation arrangements
 investment advisors; 15 CSR 30-51.145; 10/1/03, 1/15/04
 confirmations; 15 CSR 30-51.110; 10/1/03, 1/15/04
 custody of securities or funds; 15 CSR 30-51.100; 10/1/03,
 1/15/04
 debt securities; 15 CSR 30-52.120; 10/1/03, 1/15/04
 definitions; 15 CSR 30-50.010; 10/1/03, 1/15/04
 examination requirements; 15 CSR 30-51.030; 10/1/03, 1/15/04
 exclusion from definition of broker-dealer; 15 CSR 30-51.175;
 3/15/04
 exemptions

15 transactions in 12 months; 15 CSR 30-54.140; 10/1/03
 1/15/04
 accredited investor; 15 CSR 30-54.215; 10/1/03, 1/15/04
 agricultural cooperative association; 15 CSR 30-54.190;
 10/1/03, 1/15/04
 Canadian-U.S. cross-border trading; 15 CSR 30-54.290;
 10/1/03, 1/15/04
 first 25 persons; 15 CSR 30-54.130; 10/1/03, 1/15/04
 foreign issuer; 15 CSR 30-54.260; 10/1/03, 1/15/04
 general; 15 CSR 30-54.010; 3/17/03, 7/15/03, 1/15/04
 institutional buyer; 15 CSR 30-54.125; 10/1/03, 1/15/04
 limited offering; 15 CSR 30-54.130; 10/1/03, 1/15/04
 manual; 15 CSR 30-54.100; 10/1/03, 1/15/04
 Missouri issuer; 15 CSR 30-54.240; 11/17/03, 3/1/04
 Missouri qualified fund; 15 CSR 30-54.250; 10/1/03, 1/15/04
 mortgage note; 15 CSR 30-54.120; 10/1/03, 1/15/04
 new generation processing entity; 15 CSR 30-54.190;
 10/1/03, 1/15/04
 notice filing for transactions under Regulation D;
 15 CSR 30-54.210; 10/1/03, 1/15/04
 not-for-profit securities; 15 CSR 30-54.070; 1/15/04
 offers to existing security holders; 15 CSR 30-54.160;
 10/1/03, 1/15/04
 preeffective offer; 15 CSR 30-54.170; 10/1/03, 1/15/04
 reporting company securities; 15 CSR 30-54.183; 10/1/03,
 1/15/04
 tax credit; 15 CSR 30-54.280; 11/17/03, 3/1/04
 transactions, quotation systems; 15 CSR 30-54.220; 10/1/03,
 1/15/04
 unit investment trust units; 15 CSR 30-54.230; 11/17/03,
 3/1/04
 unsolicited order to buy; 15 CSR 30-54.110; 10/1/03, 1/15/04
 fees; 15 CSR 30-50.030; 10/1/03, 1/15/04
 financial statements; 15 CSR 30-51.040, 15 CSR 30-52.025;
 10/1/03, 1/15/04
 forms; 15 CSR 30-50.040; 10/1/03, 1/15/04
 fraudulent practices
 broker-dealers, agents; 15 CSR 30-51.169; 10/1/03, 1/15/04
 general; 15 CSR 30-54.010; 10/1/03, 1/15/04
 government issued or guaranteed securities; 15 CSR 30-54.020;
 10/1/03, 1/15/04
 hearings under Securities Act
 answers and supplementary pleadings; 15 CSR 30-55.030;
 10/1/03, 1/15/04
 discovery; 15 CSR 30-55.080; 10/1/03, 1/15/04
 instituting hearing before commissioner; 15 CSR 30-55.020;
 10/1/03, 1/15/04
 motions, suggestions, legal briefs; 15 CSR 30-55.110;
 10/1/03, 1/15/04
 notice of; 15 CSR 30-55.040; 10/1/03, 1/15/04
 officers; 15 CSR 30-55.220; 10/1/03, 1/15/04
 prehearing conferences; 15 CSR 30-55.050; 10/1/03, 1/15/04
 prehearing procedures; 15 CSR 30-55.025; 10/1/03, 1/15/04
 procedure at hearing; 15 CSR 30-55.090; 10/1/03, 1/15/04
 public hearing; 15 CSR 30-55.060; 10/1/03, 1/15/04
 record of hearing; 15 CSR 30-55.070; 10/1/03, 1/15/04
 subpoenas; 15 CSR 30-55.100; 10/1/03, 1/15/04
 who may request; 15 CSR 30-55.010; 10/1/03, 1/15/04
 impoundments of proceeds; 15 CSR 30-52.100; 10/1/03, 1/15/04
 instructions, general; 15 CSR 30-50.020, 15 CSR 30-51.010;
 10/1/03, 1/15/04
 investment advisors
 minimum net worth requirements; 15 CSR 30-51.070;
 10/1/03, 1/15/04
 investment letter, suggested form; 15 CSR 30-54.150; 10/1/03,
 1/15/04
 mortgage revenue bonds; 15 CSR 30-52.340; 10/1/03, 1/15/04
 NASAA statement of policy; 15 CSR 30-52.030; 10/1/03, 1/15/04
 exemptions; 15 CSR 30-54.070; 10/1/03, 1/15/04

net capital deficiency; 15 CSR 30-51.060; 10/1/03, 1/15/04
net capital requirements; 15 CSR 30-51.050; 10/1/03, 1/15/04
networking arrangements; 15 CSR 30-51.165; 10/1/03, 1/15/04
notice filings
 investment companies; 15 CSR 30-54.015; 10/1/03, 1/15/04
offer of refund; 15 CSR 30-52.200; 10/1/03, 1/15/04
 suggested form of (rescission); 15 CSR 30-52.260; 10/1/03, 1/15/04
prospectus; 15 CSR 30-52.020; 10/1/03, 1/15/04
promotional materials; 15 CSR 30-53.010; 10/1/03, 1/15/04
provisions, general; 15 CSR 30-52.010; 10/1/03, 1/15/04
records required
 broker-dealers; 15 CSR 30-51.120; 10/1/03, 1/15/04
 investment advisors; 15 CSR 30-51.140; 10/1/03, 1/15/04
records to be preserved by
 broker-dealers; 15 CSR 30-51.130; 10/1/03, 1/15/04
 investment advisors; 15 CSR 30-51.150; 10/1/03, 1/15/04
 issuers; 15 CSR 30-52.330; 10/1/03, 1/15/04
registration
 denial, revocation, suspension; 15 CSR 30-51.170; 10/1/03, 1/15/04
 exemptions from; 15 CSR 30-51.180; 10/1/03, 1/15/04
 withdrawal of; 15 CSR 30-52.280; 10/1/03, 1/15/04
registration statement
 annual report; 15 CSR 30-52.320; 10/1/03, 1/15/04
 post-effective amendments; 15 CSR 30-52.300; 10/1/03, 1/15/04
 report of completion; 15 CSR 30-52.310; 10/1/03, 1/15/04
requirements; 15 CSR 30-51.160; 10/1/03, 1/15/04
securities
 bank, savings institution, trust company;
 15 CSR 30-54.030; 10/1/03, 1/15/04
 commercial paper; 15 CSR 30-54.080; 10/1/03, 1/15/04
 employees' benefit plan; 15 CSR 30-54.090; 10/1/03, 1/15/04
 federal savings, loan association, state building and loan;
 15 CSR 30-54.040; 10/1/03, 1/15/04
 not-for-profit; 15 CSR 30-54.070; 10/1/03, 1/15/04
 railroad, common carrier, public utility, holding company;
 15 CSR 30-54.050; 10/1/03, 1/15/04
segregation of accounts; 15 CSR 30-51.090; 10/1/03, 1/15/04
small company offering registrations; 15 CSR 30-52.275; 10/1/03, 1/15/04
solicitation of interest; 15 CSR 30-54.175; 11/17/03, 3/1/04
stock exchange listed securities; 15 CSR 30-54.060; 10/1/03, 1/15/04
supervision guidelines for broker dealers; 15 CSR 30-51.171; 3/1/04

SENIOR SERVICES, DIVISION OF

aging in place pilot program; 19 CSR 30-82.090; 12/15/03
state long-term care ombudsman program; 19 CSR 15-4.060; 10/15/03, 1/15/04

SOCIAL WORKERS, STATE COMMITTEE FOR

baccalaureate social worker; 4 CSR 263-2.047; 4/15/04
 provisional licensed; 4 CSR 263-2.062; 4/15/04
 reciprocity; 4 CSR 463-2.062; 4/15/04
client relationship; 4 CSR 263-3.040; 4/15/04
clinical social worker
 provisional licensed; 4 CSR 263-2.045; 4/15/04
 reciprocity; 4 CSR 463-2.060; 4/15/04
competence; 4 CSR 263-3.140; 4/15/04
experience, registration; 4 CSR 263-2.032; 4/15/04
fees; 4 CSR 263-1.035; 4/15/04
inactive status; 4 CSR 263-2.090; 4/15/04
moral standards; 4 CSR 263-3.020; 4/15/04
restoration of license; 4 CSR 463-2.085; 4/15/04

SOIL AND WATER DISTRICTS COMMISSION

state-funded cost-share program
 cost share rates; 10 CSR 70-5.040; 8/1/03, 11/3/03, 3/15/04

TAX COMMISSION, STATE

agricultural land productive values; 12 CSR 30-4.010; 2/2/04

TAX, INCOME

failure to file tax returns; 12 CSR 10-2.055; 12/15/03; 4/1/04
failure to pay tax; 12 CSR 10-2.060; 12/15/03; 4/1/04
government pension exemption; 12 CSR 10-3.235; 12/15/03; 4/1/04
rate of interest, annual; 12 CSR 10-41.010; 12/15/03, 1/15/04, 4/15/04

TAX, MOTOR FUEL USE

bond amounts; 12 CSR 10-7.330; 12/15/03; 4/1/04
inventory subject to tax; 12 CSR 10-7.220; 12/15/03; 4/1/04
release of bonding requirements; 12 CSR 10-7.310; 12/15/03; 4/1/04
reporting option; 12 CSR 10-7.290; 12/15/03; 4/1/04
retail dealer licensing/reporting requirements; 12 CSR 10-7.180; 12/15/03; 4/1/04
waterway or pipeline terminal operators; 12 CSR 10-7.210; 12/15/03; 4/1/04

UNEMPLOYMENT INSURANCE

charging benefits to employers; 8 CSR 10-3.085; 10/1/03, 1/15/04

VOTING PROCEDURES

HAVA grievance procedure; 15 CSR 30-12.010; 11/3/03; 4/1/04
provisional ballots to be counted; 15 CSR 30-8.020; 11/3/03; 4/1/04
verification; 15 CSR 30-8.030; 11/3/03; 4/1/04

WATER PATROL, MISSOURI STATE

aids to navigation, regulatory markers; 11 CSR 80-5.010; 12/15/03, 3/15/04

WEIGHTS AND MEASURES

anhydrous ammonia; 2 CSR 90-11.010; 12/15/03, 4/15/04
inspection of premises; 2 CSR 90-30.050; 12/15/03, 4/15/04

RULEMAKING 1-2-3

MISSOURI STYLE



MATT BLUNT
SECRETARY OF STATE

The Administrative Rules Division has copies of the Rulemaking Manual available for state agencies to assist in preparing all types of rulemakings.

For information about rule drafting classes call (573) 751-4015.

Keep Your Copies of the *Missouri Register* Organized in Easy-To-Use Binders



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

\$7.50 each

Requires two binders per volume.

ORDER FORM

☐ Enclosed is my check for \$ _____ for _____ *Missouri Register* Binders.
(\$7.50 for each binder) (No. of binders)

Make checks payable to Secretary of State.

Mail to: MATT BLUNT
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION
PO Box 1767
JEFFERSON CITY, MO 65102

Name or Firm (Please Type or Print)

Attn:

Send by UPS or Street Address

City

State

Zip Code

HAVE YOU NOTICED A NEW RECEIPT?!

When filing your rulemakings with our office, you will now receive a new printed receipt, which will reflect the date filed with our office.

This is part of our internal automation piece that we are now utilizing. In the months ahead, rulemaking will be much more “user friendly.”

Stay tuned!

Office of the Secretary of State

MATT BLUNT

05/03/04

MATT BLUNT

SECRETARY OF STATE

PO Box 1767

JEFFERSON CITY, MO 65102

Periodical
Postage Paid at
Jefferson City,
MO